

# EXHIBIT A

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

ANJANI SINHA MEDICAL, P.C.,

Index No.: 1:21-cv-00138

Plaintiff(s),

**AMENDED  
COMPLAINT**

-against-

EMPIRE HEALTHCHOICE ASSURANCE, INC.,  
DBA EMPIRE BLUE CROSS BLUE SHIELD,

Defendant(s).

-----X

Plaintiff by its attorney, JONATHAN B. SEPLOWE, ESQ, complaining of the Defendant  
herein states and alleges:

1. That at all times hereinafter mentioned, the plaintiff, ANJANI SINHA MEDICAL, P.C. (SINHA), was and still is a resident of the County of Queens, City and State of New York.
2. That at all times hereinafter mentioned the defendant, EMPIRE HEALTHCHOICE ASSURANCE, INC. (EMPIRE), was and still is a domestic corporation authorized to do business in the state of New York.
3. That at all times hereinafter mentioned, EMPIRE was and still is foreign corporation authorized to do business in the state of New York.
4. That at all times hereinafter mentioned EMPIRE offers health insurance plans to consumers in the state of New York.
5. That EMPIRE insured JAMES BAEZ, under a contract of insurance in effect on April 23, 2019, as member ID number YLD85207653, group 375375, PPO BS Plan 803 BC Plan 303. Copies the front and back of James Baez's insurance card are annexed as Exhibit A.
6. That JAMES BAEZ sustained injuries in a motor vehicle accident which occurred on April 23, 2019 while he was occupying a motorcycle.

7. Since JAMES BAEZ was occupying a motorcycle, he was not eligible for No-Fault benefits. Therefore, SINHA submitted its claim to EMPIRE. Copies of SINHA'S bills and its intake statement are annexed as Exhibit B.
8. On or about July 30, 2019, SINHA provided medical services to JAMES BAEZ, including surgery to the left knee. The surgery was performed by a surgeon and a physician's assistant. *See Ex. B.*
9. On or about August 20, 2019, SINHA provided medical services to JAMES BAEZ, including surgery to the right knee. The surgery was performed by a surgeon and a physician's assistant. *See Ex. B.*
10. On or about August 21, 2019, SINHA mailed the bill for the July 30, 2019 date of service, with supporting medical documentation, to Blue Cross, Blue Shield, P.O. Box 1407, Church Street Station, New York, NY 10005. The bill included charges for both the surgeon and physician's assistant for CPT codes 29881, 29876 and 29999. *See Ex. B.* CPT code 29999 is a miscellaneous code that does not have a description. SINHA billed 29999 for a collation arthroplasty. *See infra, Ex. D.*
11. On or about September 4, 2019, SINHA mailed the bill for the August 20, 2019 date of service, with supporting medical documentation, to Blue Cross, Blue Shield, P.O. Box 1407, Church Street Station, New York, NY 10005. The bill included charges for both the surgeon and physician's assistant for CPT codes 29880 and 29876. *See Ex. B.*
12. CPT code 29881 is for a meniscectomy of the medial or lateral meniscus. CPT code 29880 is for a meniscectomy of the medial and lateral meniscus.
13. Had JAMES BAEZ not been occupying a motorcycle, then SINHA would have submitted its claims to JAMES BAEZ'S No-Fault insurer and would have billed at the NO-Fault

rates. In No-Fault cases SINHA uses the charge for CPT code 29879 as a comparison code to determine the charge for a coblation arthroplasty.

14. In No-Fault, the full charges for a surgeon and physician's assistant, respectively are:

CPT Code 29881 - \$2,013.26 and \$215.42;  
CPT Code 29880 - \$2,471.34 and \$264.43;  
CPT Code 29876 - \$1,878 and \$200.96;  
CPT Code 29879 - \$1,779.64 and \$190.42.

15. Because the injury was not covered by No-Fault, which limits the amount healthcare providers may charge, SINHA used the usual and customary fee to determine the charge for medical services rendered.

16. Said usual and customary fee is the amount charged for services provided by a similarly qualified provider in the same geographical region.

17. Under the usual and customary fee, SINHA billed the surgeon and physician's assistant charges, respectively, as:

CPT Code 29881 – \$13,250.00 and \$1,417.75;  
CPT Code 29880 - \$14,500.00 and \$1,551.50;  
CPT Code 29876 - \$17,000.00 and \$1,819.00;  
CPT Code 29879 - \$9,842.00 and \$1,053.09.

18. For both the No-Fault rate and the usual and customary rate, the charge for the physician's assistant is 10.7% of the rate charged for the surgeon.

19. For the July 30, 2019 left knee surgery, SINHA charged a total of \$40,092 for the surgeon and \$4,289.84 for the physician's assistant, for a total of \$44,381.84. *See Ex. B.*

20. For the August 20, 2019 right knee surgery, SINHA charged \$31,500 for the surgeon and \$3,370.50 for the physician's assistant, for a total of \$34,870.50. *See Ex. B.*

21. On or about July 30, 2019, prior to performing the first surgery, SINHA had its Surgical Coordinator, Clara Clement, contact the Blue Cross Blue Shield, at 1-800-553-9603, the number given on the back of James Baez's insurance card. *See Ex. A.*
22. Ms. Clement spoke to a "Fletcher M" at Blue Cross Blue Shield, who gave her a call reference of #I-17415921. Ms. Clement requested verification of coverage eligibility and approval to provide surgical services. She informed Fletcher M. that the surgery would be for bilateral body parts.
23. Fletcher M. informed Ms. Clement that no pre-certification, no authorization or pre-determination was required. He instructed Ms. Clement to "please mail claims" to the address listed on the insurance card. *See Ex. A.*
24. SINHA offered to provide medical treatment to JAMES BAEZ on condition that EMPIRE would pay the cost of services rendered.
25. SINHA'S submissions of its claims to EMPIRE were on approved claim forms, identifying the date and type of medical services rendered and charges for each procedure performed. *See Ex. A.*
26. EMPIRE received the claim in the amount of \$44,381.84, for payment of the July 30, 2019 medical services rendered by SINHA to JAMES BAEZ.
27. EMPIRE received the claim in the amount of \$34,870.50, for payment of the August 20, 2019 medical services rendered by SINHA to JAMES BAEZ.
28. EMPIRE did not process the bills immediately and SINHA had to reprint and re-submit the bills. The bills were automatically redated when reprinted. *See Ex. B.*
29. EMPIRE denied the physician's bill for the July 30, 2019 left knee surgery on April 18, 2020. For the August 20, 2019 right knee surgery, EMPIRE denied the surgeon's bill on

June 19, 2020 and denied the physician's assistant's bill on June 20, 2020. Copies of all denials and explanations of benefits are annexed as Exhibit C.

30. EMPIRE'S denials and explanations of benefits list four different claim numbers: 1650227740, 1650227750, 0760213750 and 0760213750. *See* Ex. C.
31. EMPIRE'S denials and explanations of benefits do not cite a Plan Provision, in violation of 29 C.F.R. § 2560.503-1(g)(1). *See* Ex. C.
32. On or about May 23, 2020, SINHA appealed the denial of the July 30, 2019 left knee surgery within the administrative procedures set forth by EMPIRE. A copy of the appeal cover letter, Dr. Sinha's May 23, 2020 request for appeal, the July 9, 2019 initial examination report and the July 30, 2019 operative report are annexed as Exhibit D.
33. EMPIRE granted the appeal in part on or about July 13, 2020. A copy of EMPIRE'S letter about its revised decision is annexed as Exhibit E.
34. The appeals described the injuries to JAMES BAEZ as having similar symptoms and MRI findings in his left knee and his right knee.
35. On or about August 1, 2020, EMPIRE issued a partial payment for the medical services rendered by the surgeon on July 30, 2019, in the amount of \$575.48, of which \$517.93 was paid to SINHA and \$57.55 was a co-insurance. *See* Ex. C
36. On or about August 15, 2020, EMPIRE issued a partial payment for the medical services rendered by the physician's assistant on July 30, 2019, in the amount of \$737.16. *See* Ex. C.
37. EMPIRE'S total payment toward date of service July 30, 2019 was \$1,312.64. The remaining balance is \$43,069.20; of which \$39,516.52 is for the surgeon and \$3,552.68. *See* Ex. C.

38. On or about September 23, 2020, SINHA appealed the denial of the August 20, 2019 right knee surgery within the administrative procedures set forth by EMPIRE. A copy of the September 23, 2020 appeal cover letter, Dr. Sinha's September 18, 2020 letter of medical necessity, a May 4, 2020 letter of medical necessity describing the MRI results of both the left and right knees, the right knee MRI report and the operative report with intraoperative photos are annexed as Exhibit F.

39. On or about November 19, 2020, EMPIRE denied the appeal for the medical services provided on August 20, 2019. *See* Ex. C

40. SINHA'S total outstanding balance for the services rendered to JAMES BAEZ IS \$77,939.70.

#### AS AND FOR A FIRST CAUSE OF ACTION

41. SINHA repeats and realleges the contents of paragraphs 1-40 as if fully set forth herein.
42. Upon information and belief, JAMES BAEZ'S policy with EMPIRE is a Health benefit Plan covered by the Employee Retirement Security Act of 1974 (ERISA) 28 U.S.C. §§ 1001 *et seq.*
43. Pursuant to ERISA, 29 U.S.C. § 1002 (1) (A), the Plan provides for payment of medical, surgical, or hospital care benefits.
44. JAMES BAEZ incurred medical expenses that EMPIRE was obligated to pay.
45. EMPIRE's partial payment of date of service July 30, 2019 shows that the surgery was covered by EMPIRE'S Plan.
46. Since SINHA does not have access to the Plan, and EMPIRE did not cite Plan provisions in its denials or explanations of benefits, SINHA cannot cite specific Plan provisions.

47. EMPIRE permits beneficiaries to authorize payment directly to SINHA for the cost of such medical expense.
48. JAMES BAEZ authorized EMPIRE to issue payment for medical services rendered directly to SINHA. A copy of JAMES BAEZ'S authorization is annexed as Exhibit G.
49. The bills submitted indicate that SINHA accepted an assignment from JAMES BAEZ. *See* Ex. B. Under ERISA, SINHA is an assignee of JAMES BAEZ and may bring an action to enforce payment of benefits under 29 U.S.C. § 1132 (A) (1) (B) as a plan beneficiary.
50. Under 229 C.F.R. § 2560.503-1(g)(1), a denial of benefits must set forth specific reasons for the denial of benefits. The denials EMPIRE issued on April 18, 2020, June 19, 2020 and June 20, 2020 did not set forth a specific reason for denial. *See* Ex. C.
51. SINHA exhausted its administrative remedies by filing the appeal with EMPIRE. *See* Ex. D, Ex. F.
52. The explanation of benefits of EMPIRE's partial payments for the July 20, 2019 left knee surgery did not set forth a specific reason for the amounts of payment other than a vague reference to "in-network" rate. *See* Ex. C.
53. EMPIRE did not set forth a reason why it paid more for a physician's assistant than for a surgeon. *See* Ex. C.
54. Upon information and belief, the "in-network" rate for the services billed exceeds \$574.48 for a surgeon and \$737.16 for a physician's assistant.
55. It was not until the November 19, 2020 denial of the appeal for the August 20, 2019 right knee surgery that EMPIRE set forth a reason for its denial. *See* Ex. C.
56. Dr. Sinha's July 9, 2019 examination report shows that JAMES BAEZ complained of clicking and giving way in both his left and right knee and Dr. Sinha's examination findings

were identical in both knees. The MRIs revealed a tear of the body and posterior horn of the medial meniscus in each knee. *See* Ex. D.

57. A tear of the medial meniscus in the left knee and a tear of both the medial and lateral meniscus of the right knee were found at surgery. *See* Ex. D, Ex. F.

58. The operative report for the July 30, 2020 left knee surgery shows that one of the procedures performed was a coblation arthroplasty. The operative report further describes the procedure and explained why a coblation arthroplasty was required. *See* Ex. D.

59. Despite SINHA having previously provided a “detailed description of the service” for the coblation arthroplasty, as requested by the August 1, 2020 explanation of benefits, EMPIRE denied the charge for lack of information. *See* Ex. C.

60. Pursuant to said insurance coverage Defendant is obligated to pay usual and customary health care costs incurred by JAMES BAEZ for injuries sustained following an accident on April 23, 2019.

61. SINHA did not contract with EMPIRE to accept a reduced rate for medical services rendered to JAMES BAEZ.

62. SINHA requests a de novo determination of EMPIRE’S decision to 1) deny payment for surgery to the right knee, while paying for surgery to the left knee, even though the injuries and surgical procedures were the same, and there was a greater injury to the right knee as found in the arthroscopy; 2) deny payment for the coblation arthroplasty for lack of information when the operative report supplies the requested information; 3) pay at a rate far below the usual and customary amount for the surgery; 4) pay below the “in-network rate” and 5) pay the physician’s assistant more than the surgeon, when surgeons are entitled to payment of more than nine times the amount of a physician’s assistant. \$

63. Because EMPIRE did not follow the procedures of 29 C.F.R. § 2560.503-1(g)(1) by citing the Plan provision, its determination of SINHA'S appeal is not entitled to discretion.
64. Even if entitled to discretion, EMPIRE's decisions on the appeals were an abuse of discretion, for the reasons set forth in paragraph 60.
65. As a result of the foregoing, SINHA has been damaged in the sum of SEVENTY-SEVEN THOUSAND NINE HUNDRED THIRTY-NINE AND 70/100 (\$77,939.70) DOLLARS.

AS AND FOR A SECOND CAUSE OF ACTION

66. SINHA repeats and realleges the contents of paragraphs 1-65 as if fully set forth herein.
67. SINHA pleads in the alternative, upon information and belief, that EMPIRE's Plan prohibits the assignment of rights to recover health care expenses incurred by JAMES BAEZ.
68. The Authorization signed by JAMES BAEZ is not a full assignment of JAMES BAEZ's ERISA benefits to SINHA.
69. EMPIRE considers SINHA to be an "out-of-network" medical provider.
70. The representation by Fletcher M. on July 30, 2019, that "no pre-certification, no authorization or pre-determination was required" for the surgeries was a separate contract between EMPIRE and SINHA for EMPIRE to pay the claims for the surgeries.
71. Since an out-of-network provider does not have an established contract with EMPIRE for payment at a predetermined rate, EMPIRE knew or should have known that SINHA would expect payment for medical services at the usual and customary fee.
72. Therefore, EMPIRE represented that it would pay "out of network" benefits to SINHA for medical services rendered to JAMES BAEZ.

73. SINHA provided medical services upon the reliance that EMPIRE agreed to pay an "out of network" provider the usual and customary fee for medical services rendered.

74. EMPIRE breached its contract by failing to pay SINHA for the medical services rendered August 20, 2019. EMPIRE further breached its contract for failing to pay the usual and customary amount for the medical services rendered on July 30, 2019.

75. As a result of the foregoing, SINHA has been damaged in the sum of SEVENTY-SEVEN THOUSAND NINE HUNDRED THIRTY-NINE AND 70/100 (\$77,939.70) DOLLARS.

AS AND FOR A THIRD CAUSE OF ACTION

76. SINHA repeats and realleges the contents of paragraphs 1-75 as if fully set forth herein.

77. SINHA relied to its detriment on the representation that no pre-certification, no authorization or pre-determination was required for surgery to both knees and was denied payment for one of the surgeries and paid less than the usual and customary fees for the second surgery.

78. EMPIRE knew or should have known that SINHA would not pursue JAMES BAEZ for payment based upon the representation that EMPIRE would pay for both surgeries and would pay at the usual and customary amount for medical services rendered directly to SINHA.

79. EMPIRE is estopped and precluded from denying an agreement to pay the for medical services rendered, and for paying at the usual and customary amount.

80. As a result of the foregoing, SINHA has been damaged in the sum of SEVENTY-SEVEN THOUSAND NINE HUNDRED THIRTY-NINE AND 70/100 (\$77,939.70) DOLLARS.

AS AND FOR A FOURTH CAUSE OF ACTION

81. SINHA repeats and reiterated paragraphs 1-80 as if fully set forth herein.
82. SINHA provided medical treatment at little to no cost to JAMES BAEZ, upon the reliance that EMPIRE would pay usual and customary fees for medical services rendered.
83. EMPIRE has benefitted by not paying the medical benefits for July 30, 2019 to the full extent of its obligation, and no paying the medical benefits for August 20, 2019 at all, retaining the difference as profit.
84. As a result of the foregoing plaintiff has been damaged in the sum of SEVENTY-SEVEN THOUSAND NINE HUNDRED THIRTY-NINE AND 70/100 (\$77,939.70) DOLLARS.

AS AND FOR A FIFTH CAUSE OF ACTION

85. Plaintiff repeats and reiterated paragraphs 1-84 as if fully set forth herein.
86. SINHA's submissions of its bills to EMPIRE were timely for being within one month of the corresponding date of service.
87. EMPIRE was obligated under New York Insurance Law §3224-a to respond to SINHA's claim within 30 days.
88. EMPIRE did not respond to SINHA'S claims within 30 days. SINHA had to resubmit its claims.
89. EMPIRE owed its insured, JAMES BAEZ, a fiduciary duty of care under the policy of insurance.
90. Defendant breached said fiduciary duty of care depriving JAMES BAEZ full medical benefits under the policy of insurance.
91. As a result of the foregoing plaintiff has been damaged in the sum of SEVENTY-SEVEN THOUSAND NINE HUNDRED THIRTY-NINE AND 70/100 (\$77,939.70) DOLLARS.

92. Plaintiff is entitled to interest at the rate of ONE PERCENT (1%) per month pursuant to New York Insurance Law §3224-a.

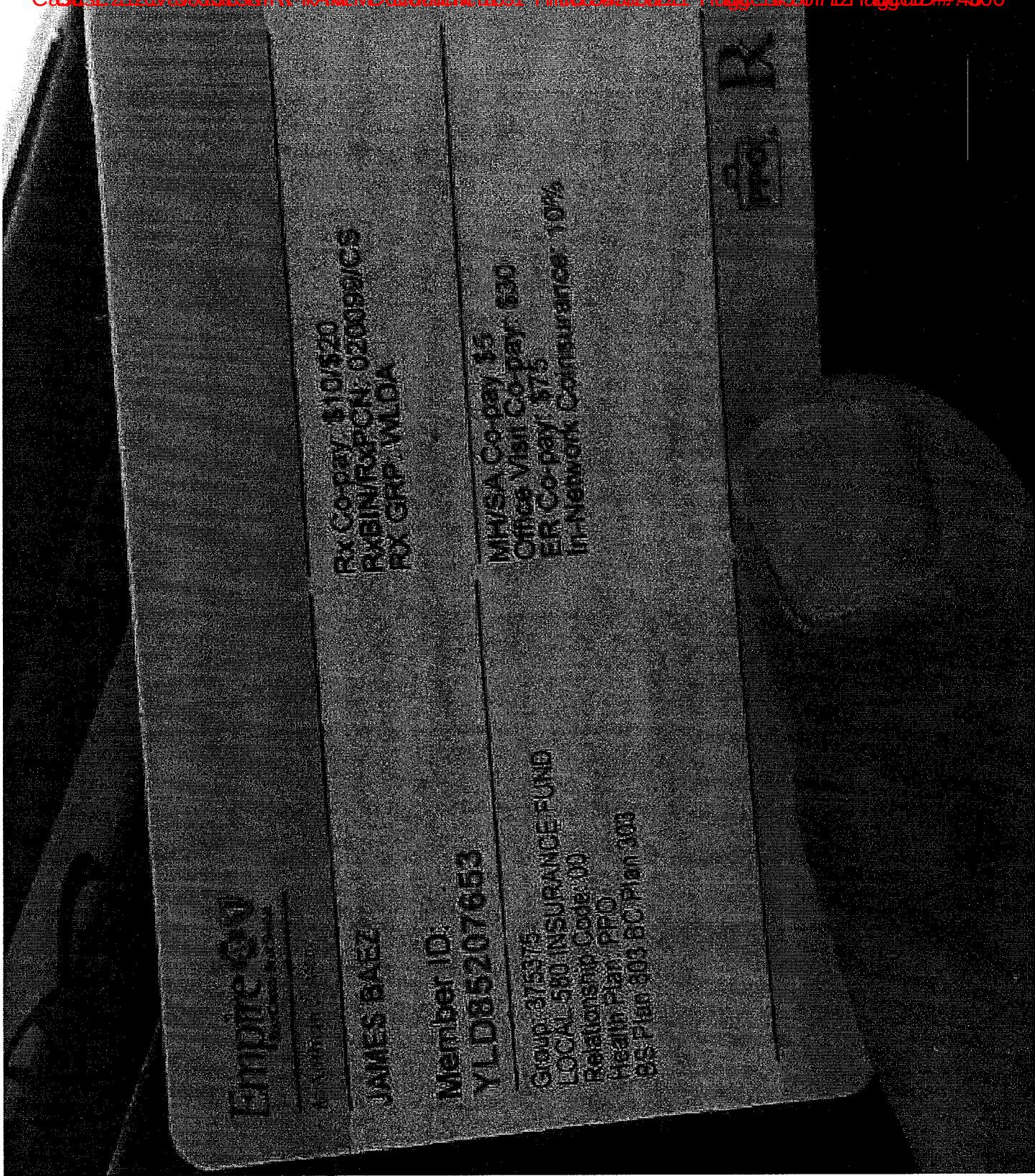
WHEREFORE, plaintiff demands judgment against defendant for each cause of action in the sum of SEVENTY-SEVEN THOUSAND NINE HUNDRED THIRTY-NINE AND 70/100 (\$77,939.70) DOLLARS, together with interest, costs and disbursements of this action.

Dated: Malverne, New York  
April 2, 2021



JONATHAN B. SEPLOWE, ESQ.

# **EXHIBIT A**



**EmpireCare**  
www.empireblue.com

Please refer to your benefit literature for  
information on how to mail claims and  
Provider Services.

For MEC, PCT and PCTI services call One Call

Providers submit all claims to your local Blue  
Cross or Blue Shield Plan or Medicare  
is connected. Submit Medicare claims to Medicare  
in California, send claims to

Claims  
P.O. Box 60007  
Los Angeles, CA 90060-0007

Members submit all claims to the address  
listed on the claim form

550 East 07/22/2019

**www.empireblue.com**

**Member & Provider Services 1-800-553-2000**  
Pharmacy Vendor Services  
1-800-252-0500  
Hedge Benefits  
1-800-206-5100  
One Call  
1-877-385-4444

**Not a Blue Cross and Blue Shield Product**  
Services provided by Empire HealthCare Management  
a former of Blue Cross and Blue Shield of Northern  
California, Inc. and Blue Cross and Blue Shield of  
Blue Shield of California, Inc.

# EXHIBIT B

## COMPENSATION AND FAULT HISTORY FORM

Date of Visit: 07/09/19

DOA: 07/03/19

PT. 8 weeks

Patient Name: JAMES BATEL

(M) F

D.O.B: 5/20/1969

Age: 50

Height: 5'8

Weight: 199 LB

Smoker:

Less than 1 pack/day

Non-Smoker:

Occupation: Iron  
Workers

Type of Injury:

 Auto Accident Work-Accident Belted Driver

Motorcycle accident.

 PedestrianHospital: Yes /  No

Hospital name:

Chief Complaint:

Pain Both Kne

PCN  
AllergyPast Medical History: Diabetes, HBP, Asthma, Cardiac disease Anerysm, shunt, carotid 08/16Past Surgical History: 1 brain surgeries - craniotomy, shunt

Current Medications: ND

NO BLOOD NOW  
ThinnerAllergies to Medications: Yes /  No PENICILLINBody parts Injured: C spine  L spine  L Sh  R Sh  R knee  L knee  ankle  wristPE:  knee  knee knee  knee

Dx:

Sx: R Sh  L Sh R Knee L knee 

Date scheduled:

8/6/19 7-30-19 MC required: Yes /  No



p

## HEALTH INSURANCE CLAIM FORM

APPROVED BY NATIONAL UNIFORM CLAIM COMMITTEE (NUCC) 02/12

EMPIRE BLUE CROSS BLUE SHIELD  
P.O BOX 1407  
CHURCH STREET STATION  
NEW YORK, NY 10008

FIG. 18

— CARRIER —

## PATIENT AND INSURED INFORMATION

## PHYSICIAN OR SUPPLIER INFORMATION



P

## HEALTH INSURANCE CLAIM FORM

APPROVED BY NATIONAL UNIFORM CLAIM COMMITTEE (NUCC) 02/02

EMPIRE BLUE CROSS BLUE SHIELD  
P.O BOX 1407  
CHURCH STREET STATION  
NEW YORK, NY 10008

PICA



P

## HEALTH INSURANCE CLAIM FORM

APPROVED BY NATIONAL UNIFORM CLAIM COMMITTEE (NUCC) 02/12

EMPIRE BLUE CROSS BLUE SHIELD  
P.O BOX 1407  
CHURCH STREET STATION  
NEW YORK, NY 10008

PICA □

PICA		PICA										
1 MEDICARE (Medicare#)	2 MEDICAID (Medicaid#)	3 TRI-CARE (ID#/DoD#)	4 CHAMPVA (Member ID#)	5 GROUP HEALTH PLAN (ID#)	6 FECA BLK LUNG (ID#)	7 OTHER (ID#)	8 a. INSURED'S I.D. NUMBER <b>YLD85207653</b> (For Program in Item 1)					
2. PATIENT'S NAME (Last Name, First Name, Middle Initial) <b>BAEZ, JAMES</b>			3. PATIENT'S BIRTH DATE MM DD YY			SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	4. INSURED'S NAME (Last Name, First Name, Middle Initial) <b>BAEZ, JAMES</b>					
5. PATIENT'S ADDRESS (No., Street) <b>1364 CROSBY AVE</b>			6. PATIENT RELATIONSHIP TO INSURED Self <input checked="" type="checkbox"/> Spouse <input type="checkbox"/> Child <input type="checkbox"/> Other <input type="checkbox"/>			7. INSURED'S ADDRESS (No., Street) <b>1364 CROSBY AVE</b>						
CITY <b>BRONX</b>		STATE <b>NY</b>	8. RESERVED FOR NUCC USE			CITY <b>BRONX</b>		STATE <b>NY</b>				
ZIP CODE <b>10461</b>	TELEPHONE (Include Area Code) <b>( )</b>					ZIP CODE <b>10461</b>	TELEPHONE (Include Area Code) <b>( )</b>					
9. OTHER INSURED'S NAME (Last Name, First Name, Middle Initial) <b>SAME</b>			10. IS PATIENT'S CONDITION RELATED TO: a. EMPLOYMENT? (Current or Previous) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			11. INSURED'S POLICY GROUP OR FECA NUMBER						
b. RESERVED FOR NUCC USE			b. AUTO ACCIDENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO PLACE (State) <b> </b>			a. INSURED'S DATE OF BIRTH <b>MM DD YY</b> SEX <b>M X F</b>						
c. RESERVED FOR NUCC USE			c. OTHER ACCIDENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			b. OTHER CLAIM ID (Designated by NUCC) <b> </b>						
d. INSURANCE PLAN NAME OR PROGRAM NAME <b>EMPIRE BCBS</b>			10d. CLAIM CODES (Designated by NUCC)			c. INSURANCE PLAN NAME OR PROGRAM NAME <b>EMPIRE BLUE CROSS BLUE SHIELD</b>						
12. PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE I authorize the release of any medical or other information necessary to process this claim. I also request payment of government benefits either to myself or to the party who accepts assignment below.												
SIGNED <b>SIGNATURE ON FILE</b>			DATE <b>08202019</b>									
14. DATE OF CURRENT ILLNESS, INJURY, or PREGNANCY (LMP) MM DD YY QUAL	15. OTHER DATE QUAL		MM DD YY	16. DATES PATIENT UNABLE TO WORK IN CURRENT OCCUPATION FROM MM DD YY TO MM DD YY								
17. NAME OF REFERRING PROVIDER OR OTHER SOURCE 17a. <b> </b>			17b. NPI <b> </b>			18. HOSPITALIZATION DATES RELATED TO CURRENT SERVICES FROM MM DD YY TO MM DD YY						
19. ADDITIONAL CLAIM INFORMATION (Designated by NUCC)												
21. DIAGNOSIS OR NATURE OF ILLNESS OR INJURY Relate A-L to service line below (24E) A. <b>S83241A</b> B. <b>S83281A</b> C. <b>M94261</b> D. <b>0 M65861</b> ICD Ind. <b>0</b>												
E. <b> </b> F. <b> </b> G. <b> </b> H. <b> </b> I. <b> </b> J. <b> </b> K. <b> </b> L. <b> </b>												
24. A. DATE(S) OF SERVICE From MM DD YY To MM DD YY			B. PLACE OF SERVICE EMG	C. CPT/HCPCS	D. PROCEDURES, SERVICES, OR SUPPLIES (Explain Unusual Circumstances)	E. MODIFIER	DIAGNOSIS PONTER	F. \$ CHARGES	G. DAYS OR UNITS	H. REBATE FEE/AMT	I. ID. #	J. RENDERING PROVIDER ID #
08 20 19 08 20 19 24		29880	79	RT		ABC	14500 00	1	N	ZZ	<b>174400000X</b>	
08 20 19 08 20 19 24		29876	79	51	RT	D	17000 00	1	N	ZZ	<b>174400000X</b>	
									NPI		<b>1932233715</b>	
									NPI			
									NPI			
									NPI			
25. FEDERAL TAX I.D. NUMBER <b>274947522</b>			SSN EIN <b>X</b>	26. PATIENT'S ACCOUNT NO. <b>ASM19031</b>		27. ACCEPT ASSIGNMENT? (For govt. claims, see back) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		28. TOTAL CHARGE <b>\$ 31500 00</b>	29. AMOUNT PAID <b>\$ 0 00</b>	30. Rsvd. for NUCC Use		
31. SIGNATURE OF PHYSICIAN OR SUPPLIER INCLUDING DEGREES OR CREDENTIALS (I certify that the statements on the reverse apply to this bill and are made a part thereof.)			32. SERVICE FACILITY LOCATION INFORMATION <b>NORTH QUEENS SURGICAL CENTER 4564 FRANCIS LEWIS BLVD BAYSIDE NY 11361-3085</b>			33. BILLING PROVIDER INFO & FH # <b>(732) 2487700</b>						
<b>ANJANI SINHA MD 03112020</b>						<b>ANJANI SINHA MEDICAL PC 229-19 MERRICK BLVD SUITE 430 LAURELTON NY 11413-2108</b>						
CLONED <b> </b>			DATE <b> </b>			a. <b>1851717383</b> b. <b> </b>						

NJCC Instruction Manual available at: [www.njcc.org](http://www.njcc.org)

PLEASE PRINT OR TYPE

APPROVED OMB-0938-1197 FORM 1500 (02-12)



P

## HEALTH INSURANCE CLAIM FORM

APPROVED BY NATIONAL UNIFORM CLAIM COMMITTEE (NUCC) 02/12

EMPIRE BLUE CROSS BLUE SHIELD  
P.O BOX 1407  
CHURCH STREET STATION  
NEW YORK, NY 10008

— CARRIER —

## PATIENT AND INSURED INFORMATION

## PHYSICIAN OR SUPPLIER INFORMATION

# **EXHIBIT C**



P.O. Box 1407  
Church Street Station  
New York NY 10008-1407

[www.empireblue.com](http://www.empireblue.com)

00557

000163  
#BWNCQXF  
#NYECS0250000001#  
ANJANI SINHA MEDICAL PC  
STE 430  
22919 MERRICK BLVD  
LAURELTON NY 11413

2000016303557

Please find your Explanation of Benefits (EOB) enclosed and keep it for future reference.

This is an address page only; you **do not** have to keep this page.



## Provider Explanation of Benefits

Page 1 of 4



Services provided by Empire HealthChoice, Inc., a licensee of the Blue Cross and Blue Shield Association, an association of independent Blue Cross and Blue Shield Plans

Empire HealthChoice Assurance, Inc.  
165 Broadway, New York, NY 10006

For Inquiry Contacts, Please See Back of This Page

### Summary of Claims

*Provider Service Unit codes are listed on the reverse side of this page. Please reference this list to obtain the correct address and phone number for each claim inquiry.*

*If you suspect illegal activities involving your patients' benefits, please contact us at 1-800-IC-FRAUD. When calling, you do not need to identify yourself.*

*You or your authorized representative may appeal or grieve our determination by writing to us at the address on page two that corresponds to the PSU code for the claim in question, or by calling our Provider Service Department. You must submit your appeal or grievance within 180 calendar days of this statement's date. If your appeal involves a medical necessity, experimental, or investigational denial, you may have the right to have it reviewed by an External Appeals Agency certified by the NYS Department of Insurance after Empire's final determination.*

PROVIDER NAME	STATEMENT DATE
ANJANI SINHA MEDICAL PC	04/18/20
PROVIDER NUMBER	TAX ID
1932233715	274947522
SITE NUMBER	
100	

#### **Total Number of Claims - 1**

Total Charges	\$40,092.00
Total Allowed Amount	\$0.00
<b>Empire Payment</b>	<b>\$0.00</b>

\*000000163555\*

ANJANI SINHA MEDICAL PC  
STE 430  
22919 MERRICK BLVD  
LAURELTON NY 11413



# Provider Explanation of Benefits

Page 2 of 4



## Codes and Inquiries Reference

### Type of Service Codes

0	Assistant at Surgery
2	Surgery and related post medical
3	Maternity including pre-natal and post-natal care
4	Anesthesia
5	Radiology (diagnostic, therapeutic, and scans)
6	Medical care
8	Pathology (lab and machine tests)
9	Consultation
F	Ambulance
P	Professional (reading or interpretation) component radiology and pathology
R	Hospital room and board (major medical only)
T	Technical (equipment and technician) component radiology and pathology
X	Prescription drugs
Z	Other (any type of service not listed above)

For inquiries, contact the specific Provider Service Unit (PSU) below, using the PSU code indicated in the Detail of Claims.

PSU Code	Inquiry Address	Telephone
04	P.O. Box 1407 Church Street Station New York, NY 10008-1407	(800) 553-9603

### Place of Service Codes

IPC	Inpatient hospital
HOM	Patient's home
OFC	Doctor's office
OPH	Outpatient hospital
OTH	Other location

## Provider Explanation of Benefits

Page 3 of 4

Provider Name  
ANJANI SINHA MEDICAL PCProvider Number  
1932233715Statement Date  
04/18/20Site Number  
100

## Detail of Claims

Patient Name	Patient Account Number	Member ID	Contract Type	Claim Number
JAMES BAEZ	ASM19031	YLD 85207653		00760213750
			AUTH/REFERRAL	PSU CODE 04
			UM9001175 P0	
		Submitted ID Number <b>No Change</b>		
			Charges Charges Not Allowed	Allowed Amount
<b>Service Information</b>	<b>Procedure Code:</b> 29999 LT <b>Date(s):</b> 07/30/19 - 07/30/19 <b>Service Type/Place:</b> 2 /OPH <b>No. of Units:</b> 1		<b>\$9,842.00</b>	<b>\$9,842.00</b>
Submitted Procedure Code: 29881 LT	Submitted Date(s): No Change		Submitted Charge: \$13,250.00	

Payment Calculation	Allowed Amount		\$0.00
<b>MESSAGE(S) SENT TO YOUR PATIENT:</b>		Plan Payment for this Service:	<b>\$0.00</b>

<b>Service Information</b>	<b>Procedure Code:</b> 29876 LT <b>Date(s):</b> 07/30/19 - 07/30/19 <b>Service Type/Place:</b> 2 /OPH <b>No. of Units:</b> 1		<b>\$17,000.00</b>	<b>\$17,000.00</b>	<b>\$0.00</b>
Submitted Procedure Code: 29876 51 LT	Submitted Date(s): No Change		Submitted Charge: No Change		
Payment Calculation	Allowed Amount		\$0.00		
<b>MESSAGE(S) SENT TO YOUR PATIENT:</b>		Plan Payment for this Service:	<b>\$0.00</b>		

<b>Service Information</b>	<b>Procedure Code:</b> 29876 LT <b>Date(s):</b> 07/30/19 - 07/30/19 <b>Service Type/Place:</b> 2 /OPH <b>No. of Units:</b> 1		<b>\$17,000.00</b>	<b>\$17,000.00</b>	<b>\$0.00</b>
Submitted Procedure Code: 29876 51 LT	Submitted Date(s): No Change		Submitted Charge: No Change		
Payment Calculation	Allowed Amount		\$0.00		
<b>MESSAGE(S) SENT TO YOUR PATIENT:</b>		Plan Payment for this Service:	<b>\$0.00</b>		

<b>Service Information</b>	<b>Procedure Code:</b> 29881 LT <b>Date(s):</b> 07/30/19 - 07/30/19 <b>Service Type/Place:</b> 2 /OPH <b>No. of Units:</b> 1		<b>\$13,250.00</b>	<b>\$13,250.00</b>	<b>\$0.00</b>
Submitted Procedure Code: No Change	Submitted Date(s): No Change		Submitted Charge: No Change		
Payment Calculation	Allowed Amount		\$0.00		
<b>MESSAGE(S) SENT TO YOUR PATIENT:</b>		Plan Payment for this Service:	<b>\$0.00</b>		

\*0000001616559\*



## Provider Explanation of Benefits

Page 4 of 4

PROVIDER NAME  
ANJANI SINHA MEDICAL PCPROVIDER NUMBER  
1932233715STATEMENT DATE  
04/18/20SITE NUMBER  
100

### JAMES BAEZ - CLAIM NUMBER 00760213750 CONTINUED

Payment Calculation	Allowed Amount	\$0.00
---------------------	----------------	--------

**MESSAGE(S) SENT TO YOUR PATIENT:**

- Your claim has been paid at the in-network benefit level. The provider of service on your claim is not participating with your plan, therefore, you may be balanced billed for the difference between the provider's charge and the reasonable and customary allowances.
- The service(s) on this claim have been reviewed and determined to be investigational and/or not medically necessary. A separate letter containing the details of the determination has been sent to you.

Plan Payment for this Service:	\$0.00
--------------------------------	--------

Total Patient Responsibility:	\$23,791.07
-------------------------------	-------------

Total Payment for this Claim:	\$0.00
-------------------------------	--------

*Empire HealthChoice Assurance, Inc. provides administrative claims payment services only, with no financial risk or obligation with respect to claims.*

**IMPORTANT NOTE:** You are not permitted to use or disclose Protected Health Information about individuals that you are not currently treating. This applies to Protected Health Information accessible in any online tool, or sent in any other medium including mail, email, fax, or other electronic transmission.

## Provider Explanation of Benefits

Page 1 of 3



Services provided by Empire HealthChoice Assurance, Inc., a licensee of the Blue Cross and Blue Shield Association, an association of independent Blue Cross and Blue Shield Plans.

Empire HealthChoice Assurance, Inc.  
165 Broadway, New York, NY 10006

For Inquiry Contacts, Please See Back of This Page

### Summary of Claims

Provider Service Unit codes are listed on the reverse side of this page. Please reference this list to obtain the correct address and phone number for each claim inquiry.

If you suspect illegal activities involving your patients' benefits, please contact us at 1-800-IC-FRAUD. When calling, you do not need to identify yourself.

You or your authorized representative may appeal or grieve our determination by writing to us at the address on page two that corresponds to the PSU code for the claim in question, or by calling our Provider Service Department. You must submit your appeal or grievance within 180 calendar days of this statement's date. If your appeal involves a medical necessity, experimental, or investigational denial, you may have the right to have it reviewed by an External Appeals Agency certified by the NYS Department of Insurance after Empire's final determination.

PROVIDER NAME	STATEMENT DATE
ANJANI SINHA MEDICAL PC	06/19/20
PROVIDER NUMBER	TAX ID
1932233715	274947522
SITE NUMBER	
100	

#### Total Number of Claims - 1

Total Charges	\$31,500.00
Total Allowed Amount	\$0.00
Empire Payment Sent to Member(s)	\$0.00

ANJANI SINHA MEDICAL PC  
STE 430  
22919 MERRICK BLVD  
LAURELTON NY 11413

00000000000000000000000000000000\*

## Provider Explanation of Benefits

Page 2 of 3



### Codes and Inquiries Reference

#### Type of Service Codes

0	Assistant at Surgery
2	Surgery and related post medical
3	Maternity including pre-natal and post-natal care
4	Anesthesia
5	Radiology (diagnostic, therapeutic, and scans)
6	Medical care
8	Pathology (lab and machine tests)
9	Consultation
F	Ambulance
P	Professional (reading or interpretation) component radiology and pathology
R	Hospital room and board (major medical only)
T	Technical (equipment and technician) component radiology and pathology
X	Prescription drugs
Z	Other (any type of service not listed above)

For inquiries, contact the specific Provider Service Unit (PSU) below, using the PSU code indicated in the Detail of Claims.

PSU Code	Inquiry Address	Telephone
04	P.O. Box 1407 Church Street Station New York, NY 10008-1407	(800) 553-9603

#### Place of Service Codes

IPC	Inpatient hospital
HOM	Patient's home
OFC	Doctor's office
OPH	Outpatient hospital
OTH	Other location

## Provider Explanation of Benefits

Page 3 of 3

Provider Name  
ANJANI SINHA MEDICAL PC

Provider Number  
1932233715

Statement Date  
06/19/20



Site Number  
100

### Detail of Claims

Patient Name	Patient Account Number	Member ID	Contract Type	Claim Number
JAMES BAEZ	ASM19031	YLD 85207653		00760213760
Auth/Referral				PSU CODE 64
UM9001264 PG				
Service Information	Procedure Code: 29876 RT Service Type/Place: 2 /OPH Submitted Procedure Code: 29880 79 RT	Date(s): 08/20/19 - 08/20/19 No. of Units: 1 Submitted Date(s): No Change	Submitted ID Number <b>No Change</b>	
Payment Calculation	Allowed Amount	Charges	Charges Not Allowed	Allowed Amount
		\$17,000.00	\$17,000.00	\$0.00
Submitted Charge: \$14,500.00				

Payment Calculation	Allowed Amount		\$0.00
MESSAGE(S) SENT TO YOUR PATIENT:		Plan Payment for this Service:	\$0.00

- Your claim has been paid at the in-network benefit level. The provider of service on your claim is not participating with your plan, therefore, you may be balanced billed for the difference between the provider's charge and the reasonable and customary allowances.
- In accordance with the Health Plan's reimbursement policies the procedure is not eligible for separate reimbursement when billed with the procedure and diagnosis indicated.

Service Information	Procedure Code: 29880 RT Service Type/Place: 2 /OPH Submitted Procedure Code: 29880 79 RT	Date(s): 08/20/19 - 08/20/19 No. of Units: 1 Submitted Date(s): No Change	\$14,500.00	\$14,500.00	\$0.00
---------------------	---	---	-------------	-------------	--------

Payment Calculation	Allowed Amount		\$0.00
MESSAGE(S) SENT TO YOUR PATIENT:		Plan Payment for this Service:	\$0.00

- Your claim has been paid at the in-network benefit level. The provider of service on your claim is not participating with your plan, therefore, you may be balanced billed for the difference between the provider's charge and the reasonable and customary allowances.
- Please review your Medical Management authorization letter for information related to the services you received on the dates indicated above. Portions of the services provided may have been denied for the following reasons: (1) failure to notify Medical Management within the appropriate timeframe; (2) inappropriateness of the medical care provided, as determined by our Medical Director's review of the case. Please refer to the section of your contract which describes this benefit for a description of various limits on your coverage.
- This claim was adjusted based on additional information received from the provider.

Plan Payment for this Service: \$0.00  
Total Patient Responsibility: \$15,425.95  
Total Payment for this Claim: \$0.00

Empire HealthChoice Assurance, Inc. provides administrative claims payment services only, with no financial risk or obligation with respect to claims.

**IMPORTANT NOTE:** You are not permitted to use or disclose Protected Health Information about individuals that you are not currently treating. This applies to Protected Health Information accessible in any online tool, or sent in any other medium including mail, email, fax, or other electronic transmission.

00908070305\*

## Provider Explanation of Benefits

Page 1 of 3



Services provided by Empire HealthChoice, Inc., a licensee of the Blue Cross and Blue Shield Association, an association of independent Blue Cross and Blue Shield Plans

Empire HealthChoice Assurance, Inc.  
165 Broadway, New York, NY 10006

For Inquiry Contacts, Please See Back of This Page

### Summary of Claims

*Provider Service Unit codes are listed on the reverse side of this page. Please reference this list to obtain the correct address and phone number for each claim inquiry.*

*If you suspect illegal activities involving your patients' benefits, please contact us at 1-800-IC-FRAUD. When calling, you do not need to identify yourself.*

*You or your authorized representative may appeal or grieve our determination by writing to us at the address on page two that corresponds to the PSU code for the claim in question, or by calling our Provider Service Department. You must submit your appeal or grievance within 180 calendar days of this statement's date. If your appeal involves a medical necessity, experimental, or investigational denial, you may have the right to have it reviewed by an External Appeals Agency certified by the NYS Department of Insurance after Empire's final determination.*

PROVIDER NAME	STATEMENT DATE
ROBERT YUEN PA	06/20/20
PROVIDER NUMBER	TAX ID
1033502125	274947522
SITE NUMBER	
100	

#### **Total Number of Claims - 1**

Total Charges	\$3,370.50
Total Allowed Amount	\$0.00
<b>Empire Payment</b>	<b>\$0.00</b>

ROBERT YUEN PA  
STE 430  
22919 MERRICK BLVD  
LAURELTON NY 11413

\*0000012903423\*

## Provider Explanation of Benefits

Page 2 of 3



### Codes and Inquiries Reference

#### Type of Service Codes

0	Assistant at Surgery
2	Surgery and related post medical
3	Maternity including pre-natal and post-natal care
4	Anesthesia
5	Radiology (diagnostic, therapeutic, and scans)
6	Medical care
8	Pathology (lab and machine tests)
9	Consultation
F	Ambulance
P	Professional (reading or interpretation) component radiology and pathology
R	Hospital room and board (major medical only)
T	Technical (equipment and technician) component radiology and pathology
X	Prescription drugs
Z	Other (any type of service not listed above)

#### Place of Service Codes

IPC	Inpatient hospital
HOM	Patient's home
OFC	Doctor's office
OPH	Outpatient hospital
OTH	Other location

For inquiries, contact the specific Provider Service Unit (PSU) below, using the PSU code indicated in the Detail of Claims.

PSU Code	Inquiry Address	Telephone
04	P.O. Box 1407 Church Street Station New York, NY 10008-1407	(800) 553-9603

## Provider Explanation of Benefits

Page 3 of 3

Provider Name  
**ROBERT YUEN PA**

Provider Number  
**1033502125**

Statement Date  
**06/20/20**



Site Number  
**100**

### Detail of Claims

Patient Name	Patient Account Number	Member ID	Contract Type	Claim Number
<b>JAMES BAEZ</b>	<b>ASM19031</b>	<b>YLD 85207653</b>		<b>01650227750</b>
<b>Submitted ID Number No Change</b>				
		Charges	Charges Net Allowed	Allowed Amount
<b>Service Information</b>	<b>Procedure Code: 29876 RT Service Type/Place: 0/OPH No. of Units: 1</b>	<b>Date(s): 08/20/19 - 08/20/19</b>	<b>\$1,819.00</b>	<b>\$1,819.00</b>
		<b>Submitted Date(s): No Change</b>	<b>Submitted Charge: \$1,551.50</b>	

Payment Calculation	Allowed Amount		\$0.00
		<b>Plan Payment for this Service:</b>	<b>\$0.00</b>

<b>MESSAGE(S) SENT TO YOUR PATIENT:</b>	<b>Plan Payment for this Service:</b>	<b>\$0.00</b>
<ul style="list-style-type: none"><li><i>We do not have sufficient information to determine the clinical appropriateness of the assistant surgeon services reported on this claim and are therefore denying the services. You must submit supporting information describing the need for these services for us to reconsider your claim.</i></li></ul>		

<b>Service Information</b>	<b>Procedure Code: 29880 RT Service Type/Place: 0/OPH No. of Units: 1</b>	<b>Date(s): 08/20/19 - 08/20/19</b>	<b>\$1,551.50</b>	<b>\$1,551.50</b>	<b>\$0.00</b>
		<b>Submitted Date(s): No Change</b>		<b>Submitted Charge: No Change</b>	

Payment Calculation	Allowed Amount		\$0.00
		<b>Plan Payment for this Service:</b>	<b>\$0.00</b>

<b>MESSAGE(S) SENT TO YOUR PATIENT:</b>	<b>Plan Payment for this Service:</b>	<b>\$0.00</b>
<ul style="list-style-type: none"><li><i>We do not have sufficient information to determine the clinical appropriateness of the assistant surgeon services reported on this claim and are therefore denying the services. You must submit supporting information describing the need for these services for us to reconsider your claim.</i></li></ul>	<b>Total Patient Responsibility:</b>	<b>\$1,819.00</b>
	<b>Total Payment for this Claim:</b>	<b>\$0.00</b>

*Empire HealthChoice Assurance, Inc. provides administrative claims payment services only, with no financial risk or obligation with respect to claims.*

**IMPORTANT NOTE:** You are not permitted to use or disclose Protected Health Information about individuals that you are not currently treating. This applies to Protected Health Information accessible in any online tool, or sent in any other medium including mail, email, fax, or other electronic transmission.

202007290342\*

## Provider Explanation of Benefits

Page 1 of 4



Services provided by Empire HealthChoice Assurance, Inc., a licensee of the Blue Cross and Blue Shield Association, an association of independent Blue Cross and Blue Shield Plans

Empire HealthChoice Assurance, Inc.  
165 Broadway, New York, NY 10006

For Inquiry Contacts, Please See Back of This Page

### Summary of Claims

Provider Service Unit codes are listed on the reverse side of this page. Please reference this list to obtain the correct address and phone number for each claim inquiry.

If you suspect illegal activities involving your patients' benefits, please contact us at 1-800-IC-FRAUD. When calling, you do not need to identify yourself.

You or your authorized representative may appeal or grieve our determination by writing to us at the address on page two that corresponds to the PSU code for the claim in question, or by calling our Provider Service Department. You must submit your appeal or grievance within 180 calendar days of this statement's date. If your appeal involves a medical necessity, experimental, or investigational denial, you may have the right to have it reviewed by an External Appeals Agency certified by the NYS Department of Insurance after Empire's final determination.

PROVIDER NAME	STATEMENT DATE
ANJANI SINHA MEDICAL PC	08/01/20
PROVIDER NUMBER	TAX ID
1932233715	274947522
SITE NUMBER	CHECK NUMBER
100	0000612991344

#### Total Number of Claims - 1

Total Charges	\$40,092.00
Total Allowed Amount	\$575.48
Total Coinsurance	57.55
Empire Payment	\$517.93
Total Amount Paid by Check # 0000612991344	\$517.93

DETACH AT PERFORATION



165 Broadway  
New York, NY 10006

PROVIDER NUMBER: 1932233715

CHECK NUMBER  
0000612991344

50-937  
213

PAY ANJANI SINHA MEDICAL PC  
TO THE STE 430  
ORDER OF 22919 MERRICK BLVD  
LAURELTON NY 11413

DATE 08/01/20  
AMOUNT \$517.93

JP Morgan Chase Bank, N.A.  
Syracuse, New York

*Language*  
**VOID**  
AUTHORIZED SIGNATURE

Security features  
included.  
Details on back.

THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK  
ON THE BACK. HOLD AT AN ANGLE TO VIEW WHEN  
CHECKING THE ENDORSEMENT

10612991344 10213093796 60102045459

## Provider Explanation of Benefits

Page 2 of 4



### Codes and Inquiries Reference

#### Type of Service Codes

0	Assistant at Surgery
2	Surgery and related post medical
3	Maternity including pre-natal and post-natal care
4	Anesthesia
5	Radiology (diagnostic, therapeutic, and scans)
6	Medical care
8	Pathology (lab and machine tests)
9	Consultation
F	Ambulance
P	Professional (reading or interpretation) component radiology and pathology
R	Hospital room and board (major medical only)
T	Technical (equipment and technician) component radiology and pathology
X	Prescription drugs
Z	Other (any type of service not listed above)

For inquiries, contact the specific Provider Service Unit (PSU) below, using the PSU code indicated in the Detail of Claims.

PSU Code	Inquiry Address	Telephone
04	P.O. Box 1407 Church Street Station New York, NY 10008-1407	(800) 553-9603

#### Place of Service Codes

IPC	Inpatient hospital
HOM	Patient's home
OFC	Doctor's office
OPH	Outpatient hospital
OTH	Other location

ENDORSE CHECK HERE 

DO NOT WRITE OR STAMP BELOW THIS LINE

DEPOSITORY BANK ENDORSEMENT

Listed below are the security features provided on this document. Absence of these features may indicate alteration or duplication. IF THESE FEATURES ARE NOT PRESENT, DO NOT CASH.

**Security Features:**

"Micro-Printing" - MP

"Coin Reactive" Artificial Watermark

**Results of check alteration:**

"Small type at left hand edge of check appears blurred if copied or scanned

\*The words "Security Document" appear on back when viewed at 45 degree angle or rubbed with a coin

## Provider Explanation of Benefits

Page 3 of 4

PROVIDER NAME **ANJANI SINHA MEDICAL PC** PROVIDER NUMBER **1932233715** STATEMENT DATE **08/01/20** TAX ID **274947522**  
 SITE NUMBER **100** CHECK NUMBER **0000612991344**



## Detail of Claims

PATIENT NAME <b>JAMES BAEZ</b>	PATIENT ACCOUNT NUMBER <b>ASM19031</b>	MEMBER ID <b>YLD 85207653</b>	CONTRACT TYPE	CLAIM NUMBER <b>00760213750</b>
AUTH/REFERRAL <b>UM9001175 PG</b>				PSU CODE 04

Submitted ID Number <b>No Change</b>		Charges <b>\$9,842.00</b>	Charges Net Allowed <b>\$9,842.00</b>	Allowed Amount <b>\$0.00</b>
<b>Service Information</b>	Procedure Code: 29999 LT Service Type/Place: 2 /OPH Submitted Procedure Code: 29881 LT	Date(s): 07/30/19 - 07/30/19 No. of Units: 1 Submitted Date(s): No Change	Submitted Charge: \$13,250.00	

<b>Payment Calculation</b>	Allowed Amount	\$0.00
----------------------------	----------------	--------

<b>MESSAGE(S) SENT TO YOUR PATIENT:</b>	Plan Payment for this Service:	\$0.00
---	--------------------------------	--------

• We are unable to process this claim using the unlisted, cancelled or invalid health service code.  
Please resubmit a new claim with a more appropriate code or detailed description of the service, including applicable operative notes for reconsideration.

<b>Service Information</b>	Procedure Code: 29876 LT Service Type/Place: 2 /OPH Submitted Procedure Code: 29876 51 LT	Date(s): 07/30/19 - 07/30/19 No. of Units: 1 Submitted Date(s): No Change	\$17,000.00	\$17,000.00	\$0.00
<b>Payment Calculation</b>	Submitted Charge: No Change				

<b>Payment Calculation</b>	Allowed Amount	\$0.00
----------------------------	----------------	--------

<b>MESSAGE(S) SENT TO YOUR PATIENT:</b>	Plan Payment for this Service:	\$0.00
---	--------------------------------	--------

• Your claim has been paid at the in-network benefit level. The provider of service on your claim is not participating with your plan, therefore, you may be balanced billed for the difference between the provider's charge and the reasonable and customary allowances.  
• In accordance with the Health Plan's reimbursement policies the procedure is not eligible for separate reimbursement when billed with the procedure and diagnosis indicated.

<b>Service Information</b>	Procedure Code: 29881 LT Service Type/Place: 2 /OPH Submitted Procedure Code: No Change	Date(s): 07/30/19 - 07/30/19 No. of Units: 1 Submitted Date(s): No Change	\$13,250.00	\$12,674.52	\$575.48
<b>Payment Calculation</b>	Submitted Charge: No Change				

<b>Payment Calculation</b>	Allowed Amount	\$575.48
	Coinurance	57.55

<b>MESSAGE(S) SENT TO YOUR PATIENT:</b>	Plan Payment for this Service:	\$517.93
---	--------------------------------	----------

• Since this patient did not have the opportunity to select an in-network provider for these services, we are paying them at the in-network benefit level. You may bill the patient for any in-network co-pay, deductible and coinsurance amounts. We ask that you accept this payment and the in-network co-pay, deductible, coinsurance amounts as payment in full. If you have any questions regarding this, please contact us.

Total Patient Responsibility:	\$23,273.14
Total Payment for this Claim:	\$517.93

**NON-NEGOTIABLE**

Empire HealthChoice Assurance, Inc. provides administrative claims payment services only, with no financial risk or obligation.

## Provider Explanation of Benefits

Page 4 of 4

Provider Name ANJANI SINHA MEDICAL PC	Provider Number 1932233715	Statement Date 08/01/20	Tax ID 274947522	
	Site Number 100		Check Number 0000612991344	

**NOTES CONTINUED**

*with respect to claims.*

**IMPORTANT NOTE:** You are not permitted to use or disclose Protected Health Information about individuals that you are not currently treating. This applies to Protected Health Information accessible in any online tool, or sent in any other medium including mail, email, fax, or other electronic transmission.

# Provider Explanation of Benefits

Page 1 of 4



Services provided by Empire HealthChoice Assurance, Inc., a licensee of the Blue Cross and Blue Shield Association, an association of independent Blue Cross and Blue Shield Plans

Empire HealthChoice Assurance, Inc.  
165 Broadway, New York, NY 10006

For Inquiry Contacts, Please See Back of This Page

## Summary of Claims

Provider Service Unit codes are listed on the reverse side of this page. Please reference this list to obtain the correct address and phone number for each claim inquiry.

If you suspect illegal activities involving your patients' benefits, please contact us at 1-800-IC-FRAUD. When calling, you do not need to identify yourself.

You or your authorized representative may appeal or grieve our determination by writing to us at the address on page two that corresponds to the PSU code for the claim in question, or by calling our Provider Service Department. You must submit your appeal or grievance within 180 calendar days of this statement's date. If your appeal involves a medical necessity, experimental, or investigational denial, you may have the right to have it reviewed by an External Appeals Agency certified by the NYS Department of Insurance after Empire's final determination.

PROVIDER NAME	STATEMENT DATE
ROBERT YUEN PA	08/15/20
PROVIDER NUMBER	TAX ID
1033502125	274947522
SITE NUMBER	CHECK NUMBER
100	0000613008636

### Total Number of Claims - 2

Total Charges	\$7,660.34
Total Allowed Amount	\$737.16
Empire Payment	\$737.16
Total Amount Paid by Check # 0000613008636	\$737.16

NYCCS05 COMB  
20200918B09J523

DETACH AT PERFORATION



165 Broadway  
New York, NY 10006

PROVIDER NUMBER: 1033502125

CHECK NUMBER  
0000613008636

50-937  
213

PAY  
TO THE  
ORDER OF

ROBERT YUEN PA  
STE 430  
22919 MERRICK BLVD  
LAURELTON NY 11413

DATE 08/15/20 AMOUNT \$737.16

*Larry L. Davane*

AUTHORIZED SIGNATURE

Security features  
included.  
Details on back.

JP Morgan Chase Bank, N.A.  
Syracuse, New York

ON THE BACK HOLD AT AN ANGLE TO VIEW WHEN  
CHECKING THE ENDORSEMENT

100613008636 1021309379 60102045459

## Provider Explanation of Benefits



## **Codes and Inquiries Reference**

### Type of Service Codes

0	Assistant at Surgery
2	Surgery and related post medical
3	Maternity including pre-natal and post-natal care
4	Anesthesia
5	Radiology (diagnostic, therapeutic, and scans)
6	Medical care
8	Pathology (lab and machine tests)
9	Consultation
F	Ambulance
P	Professional (reading or interpretation) component radiology and pathology
R	Hospital room and board (major medical only)
T	Technical (equipment and technician) component radiology and pathology
X	Prescription drugs
Z	Other (any type of service not listed above)

## Place of Service Codes

<b>IPC</b>	Inpatient hospital
<b>HOM</b>	Patient's home
<b>OFC</b>	Doctor's office
<b>OPH</b>	Outpatient hospital
<b>OTH</b>	Other location

**For inquiries, contact the specific Provider Service Unit (PSU) below, using the PSU code indicated in the Detail of Claims.**

<b>PSU Code</b>	<b>Inquiry Address</b>	<b>Telephone</b>
04	P.O. Box 1407 Church Street Station New York, NY 10008-1407	(800) 553-9603

<b>Security Features:</b>	Listed below are the security features provided on this document. Absence of these features may indicate a forgery, duplication, or alteration.
<b>Micro-Printing</b> - "MP"	Micro-Printed text is visible when viewed at 45 degree angle on back when viewed at 45 degree angle
<b>Coin Reactive</b>	Small type at left hand edge of check appears blurred if copied or scanned
<b>Artificial Watermark</b>	The words "Security Document" appear on back when viewed at 45 degree angle

DO NOT WRITE/SIGN/STAMP BELOW THIS LINE

ENDORSE CHECK HERE

282745256

## **Provider Explanation of Benefits**

Page 3 of 4

PROVIDER NAME <b>ROBERT YUEN PA</b>	PROVIDER NUMBER <b>1033502125</b>	STATEMENT DATE <b>08/15/20</b>
	SITE NUMBER <b>100</b>	CHECK NUMBER <b>0000613008636</b>



### **Detail of Claims**

PATIENT NAME <b>JAMES BAEZ</b>	PATIENT ACCOUNT NUMBER <b>ASM19031</b>	MEMBER ID <b>YLD 85207653</b>	CONTRACT TYPE	CLAIM NUMBER <b>01650227740</b>
				PSU CODE 04

Submitted ID Number  
**No Change**

Service Information		Charges	Charges Not Allowed	Allowed Amount
Procedure Code: 29999 LT Service Type/Place: 0 /OPH	Date(s): 07/30/19 - 07/30/19 No. of Units: 1	\$1,053.09	\$315.93	\$737.16
Submitted Procedure Code: 29881 AS LT	Submitted Date(s): No Change	Submitted Charge: \$1,417.75		

**Payment Calculation** Allowed Amount \$737.16

**MESSAGE(S) SENT TO YOUR PATIENT:** **Plan Payment for this Service:** **\$737.16**

- *The allowed amount for this procedure has been adjusted based on the submitted modifiers.*

**Service Information**    **Procedure Code:** 29876 LT  
**Service Type/Place:** 0 /OPH    **Date(s):** 07/30/19 - 07/30/19    **No. of Units:** 1    **Submitted Charge:** \$1,819.00    **Submitted Date(s):** No Change    **Submitted Charge:** No Change    **Amount:** \$1,819.00    **Net Amount:** \$0.00

**Payment Calculation** Allowed Amount \$0.00

**MESSAGE(S) SENT TO YOUR PATIENT:** **Plan Payment for this Service:** **\$0.00**

- We do not have sufficient information to determine the clinical appropriateness of the assistant surgeon services reported on this claim and are therefore denying the services. You must submit supporting information describing the need for these services for us to reconsider your claim.*

**Service Information** Procedure Code: 29881 LT Date(s): 07/30/19 - 07/30/19 \$1,417.75 \$1,417.75 \$0.00  
Service Type/Place: O/OPH No. of Units: 1  
Submitted Procedure Code: 29881 AS LT Submitted Date(s): No Change Submitted Charge: No Change

<b>MESSAGE(S) SENT TO YOUR PATIENT:</b>	<b>Plan Payment for this Service:</b>	<b>\$0.00</b>
<ul style="list-style-type: none"> <li><i>We do not have sufficient information to determine the clinical appropriateness of the assistant surgeon services reported on this claim and are therefore denying the services. You must submit supporting information describing the need for these services for us to reconsider your claim.</i></li> </ul>	<b>Total Patient Responsibility:</b>	<b>\$2,134.93</b>
	<b>Total Payment for this Claim:</b>	<b>\$737.16</b>

*Empire HealthChoice Assurance, Inc. provides administrative claims payment services only, with no financial risk or obligation with respect to claims.*

# NON-NEGOTIABLE

NYCCS005 COMB 20200818B09 J523  


## Provider Explanation of Benefits

Page 4 of 4

PROPRIER NAME  
**ROBERT YUEN PA**

PROVIDER NUMBER  
**1033502125**

SITE NUMBER  
**100**

STATEMENT DATE  
08/15/20

TAX ID  
**274947522**



PATIENT NAME <b>JAMES BAEZ</b>	PATIENT ACCOUNT NUMBER <b>ASM19031</b>	MEMBER ID <b>YLD 85207653</b>	CONTRACT TYPE	CLAIM NUMBER <b>01650227750</b>	
Submitted ID Number <b>No Change</b>					
Service Information	Procedure Code: 29876 AS Service Type/Place: O/OPH Subsidy Procedure Code: 29880 AS RT 79	Date(s): 08/20/19 - 08/20/19 No. of Units: 1	Charges \$1,819.00	Charges Not Allowed \$1,819.00	Allowed Amount \$0.00
		Submitted Date(s): No Change	Submitted Charge: \$1,551.50		

**Payment Calculation** Allowed Amount \$0.00

ME: AGE(S) SENT TO YOUR PATIENT:

**Plan Payment for this Service:**

**\$0.00**

- We do not have sufficient information to determine the clinical appropriateness of the assistant surgeon services reported on this claim and are therefore denying the services. You must submit supporting information describing the need for these services for us to reconsider your claim.

**Service Information**    **Procedure Code:** 29880 AS    **Date(s):** 08/20/19 - 08/20/19    **Submitted Procedure Code:** No Change    **Submitted Date(s):** No Change    **Submitted Charge:** No Change  
**Service Information**    **Service Type/Place:** 0/OPH    **No. of Units:** 1    **Submitted Charge:** \$1,551.50    **Submitted Charge:** \$1,551.50    **Submitted Charge:** \$0.00

**Payment** Allowed Amount \$0.00  
**Gas Station**

MESSAGE(S) SENT TO YOUR PATIENT

**Plan Payment for this Service:**

**\$0.00**

- We do not have sufficient information to determine the clinical appropriateness of the assistant physician services reported on this claim and are therefore denying the services. You must submit supporting information describing the need for these services for us to reconsider your claim.

*Empire HealthChoice Assurance, Inc. provides administrative claims payment services only, with no financial risk or obligation with respect to claims.*

**IMPORTANT NOTE:** You are not permitted to use or disclose Protected Health Information about individuals that you are not currently treating. This applies to Protected Health Information accessible in any online tool, or sent in any other medium including mail, email, fax, or other electronic transmission.

282745257

Empire BlueCross BlueShield  
Grievances and Appeals  
P.O. Box 1407, Church Street Station  
New York, NY 10008-1407



November 19, 2020

ANJANI SINHA  
2510 WESTCHESTER AVE  
BRONX, NY 10461

Member Stamps

Member ID  
85207653

Case Number  
APP-COMM-540340

Date Request Received  
October 5, 2020

**Confidential Health Plan Information for:**  
JAMES BAEZ

---

**Important information about your appeal.**

---

Reviewed for your plan by Anthem UM Services, Inc.

---

Dear ANJANI SINHA,

We've reviewed your appeal. We've gone over everything and have decided to keep our previous coverage decision. Here's a detailed explanation.

**Your appeal**

You filed an appeal for surgery to fix the tear in the cushion (meniscus) of your patient's knee (procedure code 29880), performed by you on August 20, 2019 previously denied for medical necessity. We understand an appeal was requested because you feel this service was medically necessary.

**Our decision**

The services remain denied because they are considered not medically necessary.

We have re-reviewed the specific circumstances and health condition as documented in the appeal and clinical information you provided to us. The reviewer is a health plan Medical Director, an MD who is board certified and specializes in Orthopedic Surgery. It's his/her recommendation that we keep our previous coverage decision. Here's why:

Services provided by Empire HealthChoice HMO, Inc. and/or Empire HealthChoice Assurance, Inc. licensees of the Blue Cross and Blue Shield Association, an association of independent Blue Cross and Blue Shield plans. Anthem UM Services, Inc. is a separate company providing utilization review services on behalf of Empire.

We cannot approve this request. You told us that your patient has a tear in the cushion of their knee. This is called the meniscus, in each knee there are two (medial and lateral). You requested surgery to remove the cushion and treat both of them. This surgery should be done when your patient's knee pain is moderate to severe, and their knee locks, catches, or gives out. Your patient's pain has to prevent them from doing two daily activities. This surgery should be done when the pain has not improved after treatment by you. Your patient needed to have received two types of treatment. Treatment could include medicines or exercises that make muscles stronger. This surgery should be done when a physical exam by you shows signs of a tear in both of the meniscus. You have to provide the results from another test of your patient's knee such as an MRI that shows a tear in both of the meniscus. You did not tell us that your patient meets all required criteria. As a result, we cannot say that this surgery is medically necessary for your patient at this time. We used AIM Specialty Health Guideline titled Knee Arthroscopy and Open Procedures to make this decision. You may view this guideline at <http://www.aimspecialtyhealth.com/marketing/guidelines/185/index.html>.

Please note that your provider contract prohibits you from billing the member for any service that has not been approved by us unless, prior to rendering the service, you disclosed to the member that the service would not be covered and the member agreed to be responsible for those charges.

**What's next?**

This decision means this service isn't covered by your patient's health plan.

This is our final decision. Your appeal rights with us are exhausted. However, the patient may have additional appeal rights available. If you have any questions about this letter, please call customer service at the phone number on the patient's health plan ID card. You can ask for free copies of all documents, including the actual benefit provision, guideline, protocol or other similar criterion this decision was based on.

Sincerely,

Mayra F  
Grievances and Appeals Analyst  
Grievances and Appeals

Enclosures:  
cc: NORTH QUEENS SURGICAL CENTER

cc: NORTH QUEENS SURGICAL CENTER

# **EXHIBIT D**

Law Office of  
**JONATHAN B. SEPLOWE, P.C.**  
112C Broadway  
Malverne, New York 11565  
718-229-6100

May 23, 2020

Empire  
P.O. Box 1407  
Church Street Station  
New York, NY 10008-1407

RE            Claim Number: 00760213750  
                  PSU Code 04

Dear Sir/Madam:

Enclosed please find an appeal on behalf of Anjani Sinha Medical, P.C., in connection with the above referenced matter.

Please process accordingly and should you have any questions please do not hesitate to contact my office.

Very truly yours,

  
Jonathan B. Seplowe, Esq.

**ANJANI SINHA MEDICAL P.C.**

**Orthopedic Surgery**

164-10 Northern Blvd, Ste 204 Flushing, NY 11358

Phone: 917-300-5003 Fax: 929-333-7950

---

May 23, 2020

**Request for Appeal**

Patient: James Baez

Date of Accident: April 23, 2019

Date of Service: July 30, 2019

Chart Number: ASM19031

Claim Number: 00760213750

PSU Code 04

To Whom it May Concern,

I am a physician duly licensed to practice medicine in the State of New York, Board Certified in the field of orthopedic surgery. I respectfully submit this affirmation to appeal the denial of payment for left knee surgery performed on July 30, 2019.

The patient is a 50 year-old male who sustained bilateral knee injuries following a motorcycle accident on April 23, 2019. The patient was referred to our office on July 9, 2019, complaining of clicking and giving way of both knees despite several weeks of physical therapy. There was no reported prior medical history of the left knee.

Physical examination of the left knee on July 9, 2019, revealed 1+ effusion and both medial and lateral joint line tenderness. Range of motion was full in extension and flexion to 130 degrees (normal 150). There was positive McMurray test. MRI report was positive for tearing of the body and posterior horn medial meniscus. The clinical examination was corroborated by the diagnostic test results which may explain the complaint of mechanical symptoms of clicking and giving way.

Due to the patient's symptoms, findings on clinical examination and positive MRI, arthroscopic surgery was discussed with the patient since the injuries sustained would not heal without arthroscopic intervention.

On July 30, 2019, the patient was taken to the operating room where he underwent left knee arthroscopy for partial medial meniscectomy. A bill was submitted but denied as services being investigational and/or not medically necessary.

Joint line tenderness and McMurray test are highly reliable indications of meniscal injury. *Evaluating the Patient with a Knee Injury, Ebell, M.D., American Family Physician Mar 15, 71(6); 1169-1172, 2005.* The MRI of the left knee confirmed the clinical findings of a suspected torn medial meniscus.

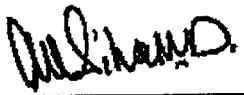
Since meniscal tear suspected on clinical examination was corroborated by MRI, and the patient was suffering with pain and mechanical symptoms surgery is the standard of care under such circumstances. *New York Medical Treatment Guidelines, 2014, Table 5.* Partial meniscectomy is indicated for meniscal tear causing mechanical symptoms. *Orthopedic Knowledge Update, 8 ed. Chapter 37, Knee and Leg Soft-Tissue Trauma, Eric McCarty, M.D., American Academy of Orthopedic Surgeons.* Furthermore, a meniscal tear should be repaired expeditiously because the odds of a successful repair decrease as time after injury increases due to cell death, *Pathologic Characteristics of the Torn Human Meniscus, Mena Mesiha, M.D., Department of Orthopedic Surgery, Children's Hospital Boston, Harvard Medical School, 2007.* The patient participated in physical therapy for nearly eight weeks without significant improvement. In any event, the nature of the meniscal tear would not have been altered by additional physical therapy.

Only a surgical approach could have corrected the nature of the structural tear which caused the patient significant pain and functional limitation. The knee arthroscopy was medically necessary in order to improve function, restore range of motion and decrease pain. The standard of care for a tear of a meniscus causing mechanical symptoms is an arthroscopic surgical procedure. The surgical procedure was performed within acceptable standards of orthopedic medical practice in the context of objective clinical and diagnostic findings confirmed by MRI.

CPT code 29876 was reported in accordance with the AAOS Global Service Data which lists the procedures included and not included within a particular CPT code. According to AAOS Global Service Data, CPT Code 29876, is not included in CPT code 29881, nor is it listed as an integral part of that procedure. Likewise, CPT Code 29876, is not included in CPT code 29880, according to the AAOS. Furthermore, the operative report describes an extensive synovectomy performed the medial and patellofemoral compartments of the knee joint to address extensive hypertrophic morbid synovitis. This reporting is corroborated by the American Academy of Orthopaedics Surgeons guidelines, followed by a majority of orthopedic surgeons, which support the reporting of CPT code 29876, if performed in two or more compartments. The AAOS guidelines note that for code 29876, certain conditions commonly support the medical necessity for major arthroscopic synovectomy in two or more compartments not limited to those listed in the guidelines. This should be documented in the records for the procedure which should note when there is extensive synovitis requiring a major synovectomy. The operative report documents extensive synovectomies within the medial and patellofemoral compartments of the knee joint to address the extensive, hypertrophic morbid synovitis encountered. The synovectomies described in the operative report were extensive and not merely for visualization.

Respectfully, I request that the denial be reversed and that the bill be paid as submitted.

Anjani Sinha, M.D., being duly licensed to practice medicine in the State of New York hereby affirms under the penalty of perjury that the statements contained herein are true and accurate to the best of my knowledge.

  
\_\_\_\_\_  
Anjani Sinha, M.D.

## ANJANI SINHA MEDICAL P.C.

**Anjani Sinha, MD**

## Orthopedic Surgery

94-11 Jamaica Avenue, Woodhaven, NY 11421

Tel: 917-300-5003 Fax: 929-333-7950

anjanisinhamedicalpc@gmail.com

**ANJANI SINHA, M.D., M.S. (Ortho)  
RAVI SALICKRAM, RPA-C**

July 9, 2019

DOA: 04/23/2019

Dr. Michael S. Minick  
2510 Westchester Avenue  
Bronx, NY 10461

Re: James Baez

DOB: 7/17/11

Dear Dr. Minick:

## HISTORY:

The patient is a 50-year-old gentleman, who was involved in a motorcycle accident sustaining injuries to both knees. Since then, he has been getting physical therapy for both knees. Despite the physical therapy, he has continued pain, clicking, and giving way of both knees. He has received about 8 weeks of physical therapy, without much improvement. My evaluation is limited to his bilateral knees.

**PAST MEDICAL HISTORY:**

Significantly positive for aneurysm of the brain for which he had 7 brain surgeries so far such as craniotomy and shunt placements.

**PAST SURGICAL HISTORY:**

Incidentally, he also had a gallbladder surgery in 2016.

**CURRENT MEDICATIONS:**

None. He is not taking any blood thinner.

**ALLERGIES:** PENICILLIN.

## **PHYSICAL EXAMINATION:**

His height is 5 feet 8 inches. He weighs 199 pounds. Examination of the head, neck, chest and abdomen is benign.

**RIGHT AND LEFT KNEES:** Reveal that he has bilateral knee effusions, 1+. There is medial and lateral joint line tenderness on both knees. McMurray test is positive in both knees. Knees are stable with varus and valgus stress test. Both knees are negative with anterior drawer and Lachman test. Range of motion is from 0 to 130 degrees on both knees.

Re: James Baez

Page 2

**MRI report of both the knees** is positive on the right for a tear of the body and posterior horn of the medial meniscus. The MRI is positive on the left knee for a tear of the body and posterior horn of the medial meniscus along with joint effusion anterior to the patellar tendon with some swelling.

**FINAL DIAGNOSES:**

1. Internal derangement, right knee, M23.91.
  2. Torn medial meniscus, right knee, S83.241A.
  3. Internal derangement, left knee, M23.92.
  4. Torn medial meniscus, left knee, S83.242A.

If the given history is correct, the injury to both knees is related to the accident which occurred on 04/23/2019.

**TREATMENT/PLAN:**

The standard care of treatment for cartilage tear of the knees is arthroscopic surgery and not physical therapy. The patient has had almost 8 weeks of physical therapy without improvement and his MRI is positive. So today, I have discussed the details of arthroscopic surgery of both knees. The details of the surgery, its risks and benefits have been discussed with him including the possibility of infection in the postoperative period necessitating future surgery. The patient understands everything. He has expressed that he would like to proceed with the surgery. The surgery date for the left knee has been set for 07/30/2019 and for the right knee, 08/06/2019. He needs to get medical clearance prior to surgery. After the surgery, he will need 6 to 8 weeks of physical therapy for each knee to regain full mobility of his knees.

The details of the surgery, risks and benefits including the possibility of infection were discussed with the patient. The patient was also informed that there is no guarantee that the patient will recover completely after the surgery.

The patient was also advised to discuss with his family members and call our office in case there is any change in plans.

Meanwhile, the patient will continue physical therapy.

I, Anjani Sinha, M.D., being duly licensed to practice medicine in the state of New York hereby affirm under the penalty of perjury that the statements contained herein are true and accurate to the best of my knowledge.

Sincerely yours,

Anjani Sinha, M.D.

**NORTH QUEENS SURGICAL CENTER**  
45-64 Francis Lewis Blvd.  
Bayside, NY 11361  
Phone: (929) 258-7720 Fax: (929) 258-7722

**OPERATIVE REPORT**

**PATIENT NAME:** BAEZ, JAMES

**MEDICAL RECORD #:** 18396

**SURGEON:** ANJANI SINHA, M.D.

**DATE OF SURGERY:** 07/30/2019

**DATE OF BIRTH:** 7/17/1964

**PREOPERATIVE DIAGNOSIS:**

Left knee medial meniscus tear.

**POSTOPERATIVE DIAGNOSES:**

Left knee; torn medial meniscus, chondral injury of the patellofemoral compartment and the lateral compartment, extensive hypertrophic synovitis.

**PROCEDURES:**

1. Left knee arthroscopy.
2. Partial medial meniscectomy.
3. Extensive Hypertrophic synovitis
3. Coblation arthroplasty.

**SURGEON:**

Anjani Sinha, M.D.

**ASSISTANT:**

Robert Yuen, PA.

**ANESTHESIA:**

LMA.

**ANESTHESIOLOGIST:**

Dr. Levy.

**EBL:**

Minimal.

**ANTIBIOTICS:**

IV Ancef.

**PREOPERATIVE INDICATIONS:** The patient is a 50-year-old male who sustained a left knee injury in a motor vehicle accident. He failed all conservative nonoperative treatment and now is indicated for a left knee arthroscopy. The patient understood all the risks and benefits of the procedure and wished to proceed.

**PROCEDURE IN DETAIL:** The patient was identified in the preoperative holding area. The operative site was signed by a surgeon. Informed consent was obtained. The patient was brought to the operating room. He was positioned supine on the OR table. He was given Ancef intravenously. Adequate anesthesia with LMA was achieved. The left lower extremity was prepped and draped in the usual sterile fashion. A time-out was performed and laterality was identified to the left knee. Standard anterolateral and anteromedial portals were established. The arthroscope and instruments were introduced. A diagnostic arthroscopy was begun. There was extensive hypertrophic synovitis throughout the joint. The medial compartment, showed a degenerative tear of the posterior horn of the medial meniscus; using a 4.2-mm shaver, a partial medial meniscectomy was performed of the torn portion of the medial meniscus,

**NORTH QUEENS SURGICAL CENTER**  
45-64 Francis Lewis Blvd.  
Bayside, NY 11361  
Phone: (929) 258-7720 Fax: (929) 258-7722

**OPERATIVE REPORT**

**PATIENT NAME:** BAEZ, JAMES

**MEDICAL RECORD #:** 18396

**SURGEON:** ANJANI SINHA, M.D.

**DATE OF SURGERY:** 07/30/2019

down to a smooth and stable rim. Once this was accomplished, an extensive synovectomy was performed removing the extensive hypertrophic synovitis encountered within the medial compartment. The articular cartilage of the medial femoral condyle and tibial plateau was noted to be in good condition. The ACL was then probed and noted to be stable with a negative anterior drawer sign. Next, we turned our attention to the lateral compartment and the lateral meniscus was probed and there were no tears noted. There was grade 2 chondral lesion of the lateral femoral condyle and the tibial plateau; using the shaver a thorough debridement of the chondral lesions encountered was performed. However, there were unstable margins remaining and a Coblation arthroplasty had to be performed; using an ArthroCare wand an its plasma field, we melded the unstable margins, down to a smooth and stable surface. We then used the shaver to perform an extensive synovectomy removing the extensive hypertrophic synovitis encountered throughout the lateral compartment. Next, we examined the patellofemoral compartment and there was a grade 2 chondral lesion of the trochlea and the patella. We then used the shaver to perform a thorough debridement of the chondral lesion encountered. However, there were unstable margins remaining and a Coblation arthroplasty had to be performed to stabilized these margins using an ArthroCare wand, down to stable surface . The arthroscope and instruments were then withdrawn. The portals were closed with buried 3-0 Monocryl. Marcaine 0.25% was injected into the portal sites intraarticular. Steri-Strips-and dry sterile compressive dressings were applied. The patient was awakened and brought to the recovery room in satisfactory condition.

*Abi L.*

*Anjani Sinha, M.D.*

08/05/19 19:00 +00:00

Anjani Sinha, M.D.

JOB#: 118041914

PCF: med: vr/s

D: 08/03/2019

T: 08/05/2019

# **EXHIBIT E**

Empire BlueCross BlueShield  
Grievances and Appeals  
P.O. Box 1407, Church Street Station  
New York, NY 10008-1407



July 13, 2020

ANJANI SINHA  
2510 WESTCHESTER AVE  
BRONX, NY 10461

Member ID  
85207653

Case Number  
APP-COMM-447270

Date Request Received  
May 18, 2020

Confidential Health Plan Information for:  
JAMES BAEZ

---

**Important information about your appeal.**

---

Reviewed by Anthem UM Services, Inc.

---

Dear ANJANI SINHA,

**We've reviewed the appeal for a surgical procedure (Arthroscopy, procedure code 29881) for the above patient, provided by you on July 30, 2019, previously denied for medical necessity. We understand an appeal was requested because you feel this procedure was medically necessary.**

We've gone over everything and have decided to change our previous decision. There's a detailed explanation below, but if you still have questions after reading it, feel free to get in touch.

Claim number 00760213750 has been sent to the appropriate area for adjustment. Please allow 30 days for processing, payment, and a new Explanation of Benefits.

Services provided by Empire HealthChoice HMO, Inc. and/or Empire HealthChoice Assurance, Inc. licensees of the Blue Cross and Blue Shield Association, an association of independent Blue Cross and Blue Shield plans. Anthem UM Services, Inc. is a separate company providing utilization review services on behalf of Empire.

Your claim for any services approved during this review should be covered as long as:

- The member is eligible and enrolled in this health plan when services are provided
- The member doesn't reach a benefit limit that applies to the service at the time we process the claim
- The information we received when we reviewed your request is accurate.

If you have any questions, please give provider services a call. Or, you can call customer service at the phone number on your patient's ID card.

Sincerely,

Brittany G.  
Grievances and Appeals Analyst  
Grievances and Appeals

# EXHIBIT F

## ANJANI SINHA MEDICAL PC

ANJANI SINHA, MD  
229-19 MERRICK BLVD SUITE 430  
LAURELTON, NY 11413-2108  
PH: (732) 248-7700 FAX: (732) 248-0041

September 23, 2020

Attn: Appeals Department  
P.O Box 1407,  
Church Street Station,  
New York, NY 10008-1407.

Re: James Baez  
Patient's ID: YLD85207653  
DOB: 1/1/1961  
DOS: 08/20/2019 (Billed charges \$31500.00)  
DOS: 08/20/2019 (Billed charges \$3370.50)

To whom it may concern:

I'm appealing your company's decision to deny bill for right knee arthroscopy surgery performed by Dr. Anjani Sinha. The reason listed on the explanation of benefits is inappropriateness of the medical care provided as determined by your Medical Director's review of the case, attached you will find the letter of medical necessity from Dr. Anjani Sinha, MRI reports and office notes describing why he has determined that this procedure is medically necessary.

I am looking forward to your expeditious response as well as prompt response.

Please feel free to contact me if I may be of further assistance to you.

Thank you.

Mike Collins  
P: 732 248 7700 Ext 136  
E: 732 248 0041.

The fax that you have received contains highly confidential and federally protected health information. If you are not the intended recipient listed above and have received this fax in error, please notify us immediately at (732)248-7700 and destroy your copy immediately. Use or release of any information contained in this document can and will be prosecuted under HIPAA (Health Insurance Portability and Accountability Act of 1996) guidelines.

## LETTER OF MEDICAL NECESSITY

September 18, 2020

## Patient: James Baez

**Date of Service & Service Type:** 07/30/2019-8/20/2019 (Bilateral Knee Arthroscopy)

James Baez was a 50-year-old male, involved in a Motor Vehicle Accident on 04/23/2019. As a result of the accident, the patient sustained injury to the bilateral knee. This letter of medical necessity is to explain why the treatment performed on 07/30/2019-8/20/2019 (Bilateral Knee Arthroscopy) was medically necessary.

MRI of the Left Knee dated 06/03/2019 revealed tear at the body and posterior horn of the medial meniscus.

MRI of the Right Knee dated 06/03/2019 revealed tear at the body and posterior horn of the medial meniscus.

The patient presented to me for an evaluation on 07/09/2019 with the positive subjective and objective findings: bilateral knee pain associated with clicking and giving away of the knee. The patient has undergone 8 months of physical therapy without any improvement. Examination of the bilateral knee revealed medial and lateral joint line tenderness with decreased range of motion. McMurray test was positive. The patient was diagnosed with internal derangement, right knee; torn medial meniscus, right knee; internal derangement, left knee and torn medial meniscus, left knee. The patient was recommended Right Knee arthroscopy and Left Knee arthroscopy.

On 07/30/2019, the patient underwent Left Knee Arthroscopy.

On 08/20/2019, the patient underwent Right Knee Arthroscopy.

Given the course of treatment, it is clear to see that arthroscopy of bilateral knee were necessary for the patient to achieve pre-injury state and since the surgery was a necessity, the physician assistance services cannot be excluded. To continue with as per the article Meniscal tear: Meniscal tears are the failure of the fibrocartilaginous menisci of the knee. There are several types and can occur in an acute or chronic setting. **Meniscal tears are best evaluated with MRI**. With a sensitivity of ~95% and a specificity of 81% for medial meniscal tears and sensitivity of ~85% and a specificity of 93% for lateral meniscal tears, MRI is the modality of choice when a meniscal tear is suspected.

Further, as per an article Knee Injury: The knee is one of the most commonly injured parts of the body. Most knee injuries are caused by an external force bending or twisting the knee in a manner that it was not anatomically designed for. **Common causes of knee injuries are from a twisting mechanism from falls, sports, or accidents.** A twisted knee can cause damage to the ligaments and cartilage. High-force injuries such as sports-related injuries and motor vehicle accidents can disrupt multiple parts of the knee anatomy, causing multiple types of knee injuries. The main symptoms of knee injury are as follows: **Knee pain; Swelling; Heat; Redness; Tenderness; Difficulty bending the knee; Problems weight bearing; Clicking or popping sounds; Locking of the knee; Feeling of instability; Bruising.** Surgery may be indicated for tears of the ligaments or extensive meniscal tears. Some acute injuries such as those with high-force impact, or multiple parts of the knee damaged, may require emergency surgery. Furthermore, as per an article Knee Arthroscopy: **Knee arthroscopy may relieve painful symptoms of many problems that damage the cartilage surfaces and other soft tissues surrounding the joint.** Common arthroscopic procedures for the knee include:

- a. Removal or repair of a torn meniscus
  - b. Reconstruction of a torn anterior cruciate ligament
  - c. Removal of inflamed synovial tissue
  - d. Trimming of damaged articular cartilage
  - e. Removal of loose fragments of bone or cartilage
  - f. Treatment of patella (kneecap) problems
  - g. Treatment of knee sepsis (infection)

Also, as per an article Arthroscopic Meniscectomy: Clinical Presentation includes: **Joint line tenderness and effusion; Complaints of 'clicking', 'locking' and 'giving way' are common; Functionally unstable knee;** Symptoms are frequently more intense by flexing and loading the knee, with activities such as squatting and kneeling being poorly tolerated because of stiffness and pain. **Where non-operative therapy provides some degree of symptom relief over the long-term, these benefits may become increasingly ineffective as the affected meniscus degenerates over time.** Knee arthroscopy is a procedure that involves a surgeon investigating and correcting problems with a small tool called an arthroscope. It is a less invasive method of surgery used to both diagnose and treat issues in the joints. Knee arthroscopy is less invasive than open forms of surgery. A surgeon can diagnose issues and operate using a very small tool, an arthroscope, which they pass through an incision in the skin. **Knee arthroscopy surgery may be helpful in diagnosing a range of problems, including:**

- Persistent joint pain and stiffness
  - Damaged cartilage
  - Floating fragments of bone or cartilage
  - A buildup of fluid, which must be drained.

In most of these cases, arthroscopy is all that is needed. People may choose it instead of other surgical procedures because arthroscopy often involves:

- Less tissue damages
  - A faster healing times
  - Fewer stitches
  - Less pain after the procedure
  - A lower risk of infection, because smaller incisions are made

Moreover, as per the Arthroscopic Meniscus Repair, Surgical Options for Torn Meniscus: Meniscus tears can be treated by meniscus removal (meniscectomy), meniscus repair, or in unusual circumstances, meniscus replacement. Since the goal of surgery is to preserve healthy meniscus, meniscus repair is attempted when the tear is repairable. Meniscectomy, removal of the damaged meniscus tissue, has good short term results but leads to the development of arthritis ten to twenty years later. Meniscus repair also has good results, but has a longer recovery time than meniscectomy and is limited to tears which are amenable to repair. Possible benefits of arthroscopic meniscus repair: The meniscus is an important structure for load transmission and shock absorption in the knee. The knee is subjected to up to 5 times body weight during activity, and half this force is transmitted through the meniscus with the knee straight, and 85% of the force goes through the meniscus with the knee bent ninety degrees. Loss of the meniscus increases the pressure on the articular (gliding) cartilage, which leads to degenerative changes. A successful meniscus repair preserves meniscus tissue and mitigates these changes. Also, Knee arthroscopy is a surgical technique that can diagnose and treat problems in the knee joint. During the procedure, your surgeon will make a very small incision and insert a tiny camera — called an arthroscope — into your knee. This allows them to view the inside of the joint on a screen. Arthroscopy diagnoses several knee problems, such as a torn meniscus or a (kneecap). It can also repair the ligaments of the joint. **There are limited risks to the procedure and the outlook is good for most patients.** Your doctor may recommend that you undergo a knee arthroscopy if you're experiencing knee pain. Your doctor might have already diagnosed the condition causing your pain, or they may order the arthroscopy to

help find a diagnosis. In either case, an arthroscopy is a useful way for doctors to confirm the source of knee pain and treat the problem.

In addition, as per the article, [The Importance of Physician Assistants](#): There is a finite number of orthopedic surgeons trained to perform this kind of surgery, and that number is not increasing at a rate to keep up with demand. PAs are often the first person you will see in the evaluation process. They take a history, perform an exam and order X-Rays in order to diagnose your condition and outline a treatment plan. If surgery is indicated they will schedule surgery and begin the pre op process. In coordination with the orthopedic surgeon they will oversee this process which includes pre op optimization of your fitness and health, create a pre op plan for surgery and work with the facility to make sure all the necessary equipment is available for your procedure. They assist with surgery, manage your care in the hospital or surgery center and participate in your follow up care. While the number of patients requiring surgery is increasing the time available to see all new and follow up patients is decreasing as surgeons are spending progressively more time in the operating room. **PAs are enabling and partnering with orthopedic surgeons to keep up with the increased demand while maintaining or exceeding patient expectations.**

In conclusion, the Bilateral Knee Arthroscopy and associated Physician Assistant Service was within the medically accepted and required standards of care and medically necessary for the appropriate treatment and care of this patient.

Thank you.  
Sincerely,

Dr. Anjani Sinha

## ANJANI SINHA MEDICAL P.C.

164-10 Northern Boulevard, Suite 204  
Flushing, NY 11358  
Tel: 718-886-2011 Fax: 929-333-7950  
anjanisinhamedicalpc@gmail.com

**ANJANI SINHA, M.D., M.S. (Ortho)**

Date: 05/04/2020

Re: James Baez  
DOB: 1/1/1  
DOA: 04/23/2019

**To Whom It May Concern**

This letter is being sent on behalf of the above-mentioned patient to establish the medical necessity for surgical treatment of his right and left knees.

The patient has had almost 8 weeks of physical therapy but his pain has not improved despite the physical therapy and chiropractic treatments. The MRIs of his knees are positive.

### **Impression on the MRIs:**

**MRI of the right knee** is positive for a tear of the body and posterior horn of the medial meniscus.

**MRI of the left knee** is positive for a tear of the body and posterior horn of the medial meniscus along with joint effusion anterior to the patellar tendon with some swelling.

Based on the MRIs and diagnostic studies, this patient requires left knee and right knee surgeries to treat these positive findings.

Please feel free to contact me if any additional information is required.

Sincerely,

Julian D.

---

**ANJANI SINHA, M.D., M.S.**

## **NORTH QUEENS SURGICAL CENTER**

45-64 Francis Lewis Blvd.

Bayside, NY 11361

Phone: (929) 258-7720 Fax: (929) 258-7722

## OPERATIVE REPORT

**PATIENT NAME:** BAEZ, JAMES

**MEDICAL RECORD #:** 18396

**SURGEON: ANJANI SINHA, M.D.**

**DATE OF SURGERY:** 08/20/2019

**DATE OF BIRTH:**

## **PREOPERATIVE DIAGNOSIS:**

Right knee meniscus tear.

**POSTOPERATIVE DIAGNOSES:**

1. Right knee medial and lateral meniscus tear.
  2. Extensive hypertrophic synovitis.
  3. Chondromalacia of the lateral compartment and trochlea.

## **PROCEDURES:**

1. Right knee arthroscopy.
  2. Partial medial and lateral meniscectomy.
  3. Extensive synovectomy.
  4. Chondroplasty of the lateral compartment and trochlea.

## SURGEON:

Anjani Sinha, M.D.

**ASSISTANT:**

Robert Yuen, PA.

## ANESTHESIA:

LMA.

## ANESTHESIOLOGIST:

Dr. Balakhaneh.

EBL:

Minimal.

## ANTIBIOTICS:

#### IV clindamycin.

**PREOPERATIVE INDICATIONS:** The patient is a 50-year-old male who sustained a right knee injury in a motor vehicle accident. He failed all conservative treatment and is now indicated for a right knee arthroscopy. The patient understood all the risks and benefits of the procedure and wished to proceed.

**PROCEDURE IN DETAIL:** The patient was identified in the preoperative holding area. The operative site was signed a surgeon. Informed consent was obtained. The patient was brought to the operating room. He was positioned on the operating room table supine and was given clindamycin intravenously. Adequate anesthesia with LMA was achieved. The right lower extremity was prepped and draped in the usual sterile fashion. A time-out was performed and laterality was confirmed to the right knee. Standard anterolateral and anteromedial portals were made through which the arthroscope and instruments were introduced. A diagnostic arthroscopy was begun. Upon entering the medial compartment, the medial

## **NORTH QUEENS SURGICAL CENTER**

45-64 Francis Lewis Blvd.  
Bayside, NY 11361  
Phone: (929) 258-7720 Fax: (929) 258-7722

## OPERATIVE REPORT

**PATIENT NAME:** BAEZ, JAMES

**MEDICAL RECORD #:** 18396

**SURGEON:** ANJANI SINHA, M.D.

**DATE OF SURGERY:** 08/20/2019

meniscus was probed and noted to be stable; hospital; however, there was a degenerative tear in the anterior horn of the medial meniscus; using a 4.2-mm shaver we performed a partial medial meniscectomy down to a smooth and stable rim. There was extensive hypertrophic synovitis encountered throughout the medial compartment; using the shaver, we performed an extensive synovectomy removing the extensive hypertrophic synovitis encountered within the medial compartment. The articular cartilage of the medial compartment was noted to be intact. The ACL was then probed and demonstrated to be stable with a negative anterior drawer sign. Next, we turned our attention to the lateral compartment. There was a degenerative tear of the body of the lateral meniscus; using the shaver we performed a partial lateral meniscectomy of the torn portion of the lateral meniscus was down to a stable rim. Once this was accomplished, we performed an extensive synovectomy to address extensive hypertrophic synovitis encountered within the lateral compartment. The cartilage of the lateral femoral condyle and lateral tibial plateau demonstrated a grade 2 chondromalacia. We then used and ArthroCare wand to applied thermal ablation to the chondral injury. Once this was done, we accessed the patellofemoral compartment. The patellofemoral joint revealed signs of grade 2 chondromalacia of the trochlea. Thermal shrinkage was applied to the cartilaginous region in order to prevent further delamination of the region. We then performed an extensive synovectomy removing extensive hypertrophic synovitis from the suprapatellar pouch. The arthroscope and instruments were withdrawn. The portals were closed with buried 3-0 Monocryl. Marcaine 0.5% was injected into the portal sites intraarticular. Steri-Strips and dry sterile compressive dressings were applied. The patient was awakened and brought to the recovery room in satisfactory condition.

Julian D.

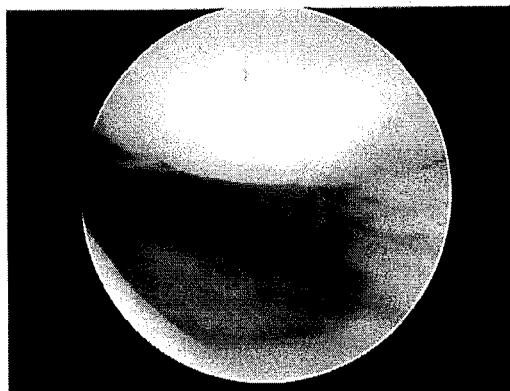
08/25/19 13:24 +00:00

Anjani Sinha, M.D.

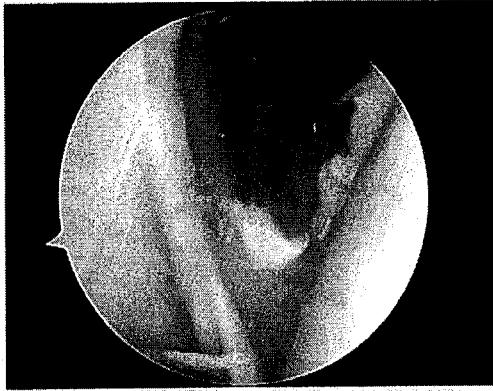
JOB#· 118097822

D: 08/20/2019

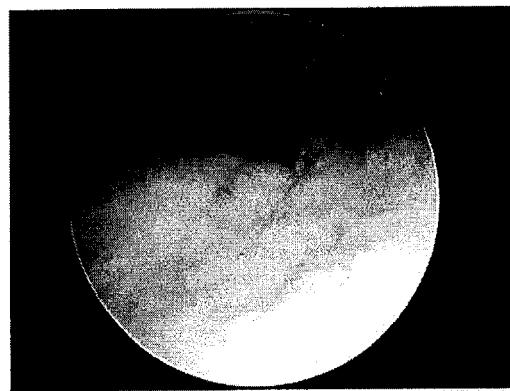
1: 08/21/2019



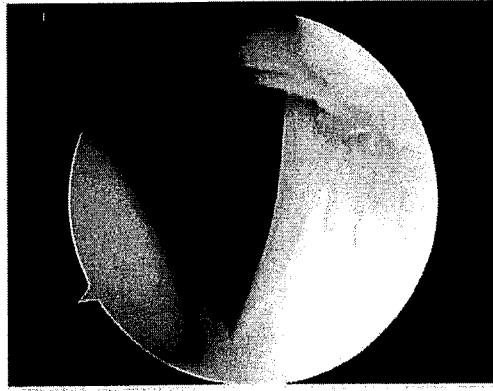
1 - 8/20/2019 8:21:13 AM



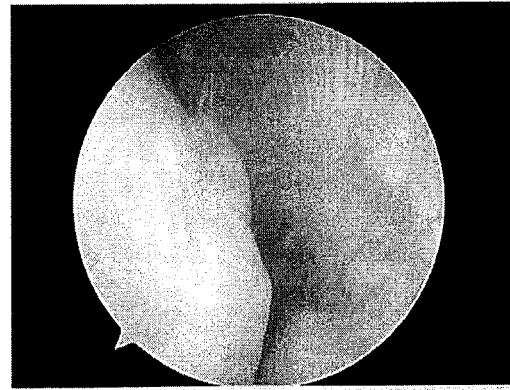
2 - 8/20/2019 8:21:17 AM



3 - 8/20/2019 8:21:18 AM



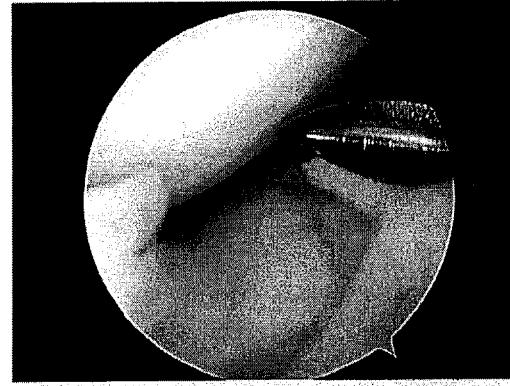
4 - 8/20/2019 8:21:22 AM



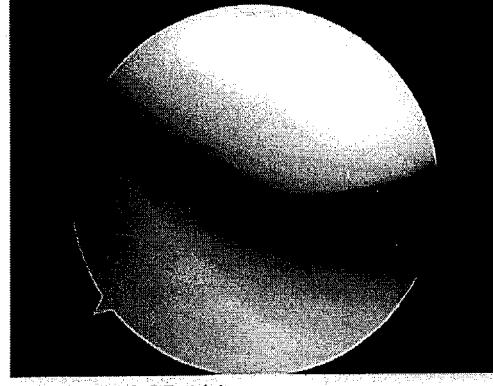
5 - 8/20/2019 8:21:26 AM



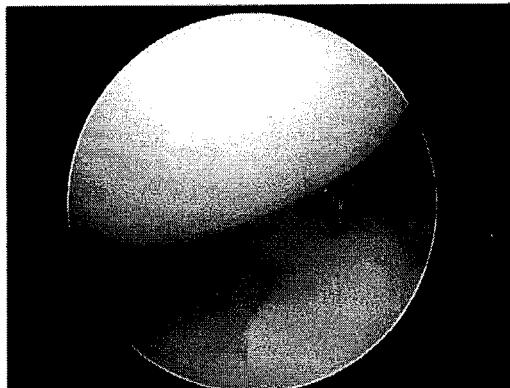
6 - 8/20/2019 8:22:13 AM



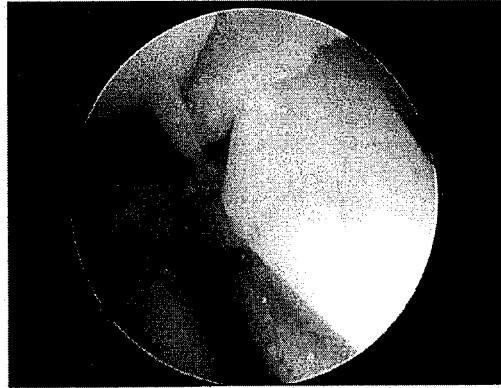
7 - 8/20/2019 8:22:25 AM



8 - 8/20/2019 8:23:35 AM



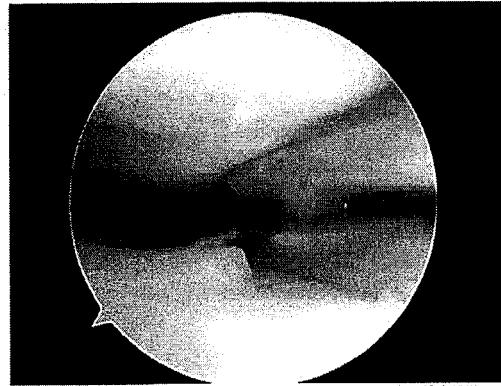
9 - 8/20/2019 8:23:39 AM



10 - 8/20/2019 8:23:45 AM



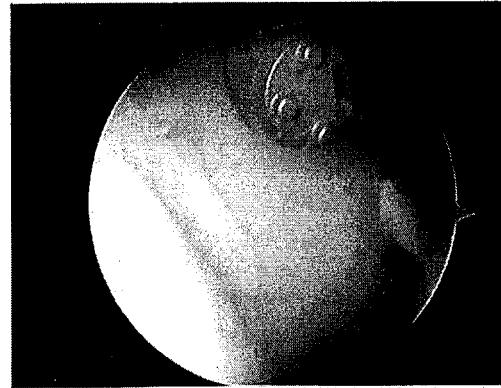
11 - 8/20/2019 8:23:56 AM



12 - 8/20/2019 8:24:37 AM



13 - 8/20/2019 8:25:57 AM



14 - 8/20/2019 8:27:34 AM

RECEIVED 06/12/2019 18:14

To: "COMPLETE SPINAL PHYSICAL THERAPY &amp; CHIROPRACTIC, PLLC" from: CDI Pages: 1



1963 Grand Concourse, Bronx, NY 10453  
 Tel: (718) 466-6400 Fax: (718) 466-4900  
[www.citimedny.com](http://www.citimedny.com)

PATIENT NAME: BAEZ, JAMES  
 DATE OF BIRTH: / /  
 MRN #: BR7284  
 DATE OF SERVICE: 06/03/2019  
 REFERRING PHYSICIAN: MARK GALATI, DC

MRI OF THE RIGHT KNEE WITHOUT CONTRAST

INDICATION: Pain

COMPARISON: No prior studies were available for comparison at the time of dictation.

TECHNIQUE: T1, T2, and PD axial, coronal, and sagittal sequences without intravenous contrast.

FINDINGS:

Tear at the body and posterior horn of the medial meniscus. Lateral meniscus is intact. No meniscocapsular separation. No meniscal cyst.

ACL is intact. PCL is intact. MCL is intact. Lateral (fibular) collateral ligament is intact. Conjoined tendon is intact. Popliteus tendon is normal.

Patellar tendon is intact. Quadriceps tendon is intact. No patellar tilt or subluxation. Patellofemoral ligaments are intact.

Intact articular cartilage. No fracture. Bone marrow signal is normal.

No effusion. No popliteal cyst. No intra-articular loose body. Visualized muscle signal is normal.

IMPRESSION:

Tear at the body and posterior horn of the medial meniscus.

Thank you for the opportunity to participate in the care of this patient.

A handwritten signature in black ink, appearing to read 'Priyesh Patel'.

A handwritten signature in black ink, appearing to read 'Priyesh Patel'.

PRIYESH PATEL, M.D., M.P.H.  
 Board Certified Diagnostic Radiologist  
 Musculoskeletal & Spine Imaging Specialist

Signed by PRIYESH PATEL, MD, MPH at 6/12/2019 6:19:43 PM

# **EXHIBIT G**

**Lien Agreement**

I, (Patient's Name), residing at (Patient's Address), for and in consideration of medical care and services rendered to me by (the "Provider") beginning with (Today's Date) do hereby assign, transfer and set unto the Provider such part of any amount that hereafter be or become indebted and/or payable to me as a result of any judgment, settlement, funds or proceeds of any claim or action arising from injuries sustained by me on or about (Date of Accident) as is necessary to pay in full for said medical services and I further consent, agree and stipulate that said medical fees and or charged against any such judgment, settlement, funds or proceeds of any such claim of action secured and/or obtained as a result of any such claim or action as I may have regardless of who may be in possession of such funds or proceeds.

I hereby authorize and direct such person or persons, party or parties, firm or firms, corporation or corporations who will or may become indebted to me as a result thereof to pay over to the Provider or its Assignee, from and out of the amount of funds, proceeds or monies due. The Provider or its assignee, for medical services, without further notice to such parties from me and I agree to hold such parties harmless on account of any such payments made.

I hereby authorize and direct my attorney or attorneys or any other person or persons unto whose hands or possession any of the said funds, proceeds, or monies shall come, to hold in trust and pay over to the Provider or its assignee for such medical care and services as herein, before, referred to.

In witness where I have hereunto, set my hand on this \_\_\_\_\_ day of \_\_\_\_\_ of

  
(Print Name)

  
(Patient Signature)

  
(Attorney's Signature)

ANJANI K. SINHA, MEDICAL P.C.

Dr. Anjani K. Sinha- Orthopedic Surgery  
94-11 Jamaica Avenue Jamaica, NY 11421  
Tel: 929-467-8080 Fax: 718-374-3771  
VIPORTHOTTEAM@GMAIL.COM

# ANJANI K. SINHA, MEDICAL P.C.

Dr. Anjani K. Sinha- Orthopedic Surgery  
94-11 Jamaica Avenue Jamaica, NY 11421  
Tel: 929-467-5060 Fax: 718-374-3771  
VIPORTHOTTEAM@GMAIL.COM

To ATTORNEY(S): \_\_\_\_\_

PATIENT NAME: James Baez

DATE OF BIRTH: \_\_\_\_\_

## TO WHOM IT MAY CONCERN:

I HEREBY AUTHORIZE AND DIRECT YOU, MY INSURANCE, AND/OR MY ATTORNEY TO PAY, DIRECTLY TO ANJANI SINHA, MEDICAL P.C. THE SUMS AS MAYBE DUE AND OWING THIS OFFICE FOR SERVICES RENDERED ME BOTH BY REASON OF THIS ACCIDENT OR COMPENSATION BENEFITS, PERSONAL INJURY, NO FAULT OR ANY OTHER INSURANCE BENEFITS OBLIGATED TO REIMBURSE ME OR FROM ANY SETTLEMENT, JUDGEMENT OR VERDICT ON MY BEHALF AS MAY BE NECESSARY TO ADEQUATELY PROTECT SAID OFFICE. I HEREBY FURTHER GIVE LIEN TO SAID OFFICE AGAINST ANY AND ALL INSURANCE BENEFITS NAMED HEREIN, AND ANY PROCEEDS OF ANY SETTLEMENT, JUDGEMENT OR VERDICT WHICH MADE BE PAID TO ME AS A RESULT OF THE INJURIES OR ILLNESS FOR WHICH I HAVE BEEN TREATED BY SAID OFFICE THIS IS TO ACT AS ASSIGNMENT OF MY RIGHTS AND BENEFITS TO THE EXTENT OF THE OFFICE'S SERVICES PROVIDED. IN THE EVENT MY INSURANCE COMPANY AND AUTHORIZE THIS OFFICE'S NAME AND FURTHER, I AUTHORIZE THIS OFFICE TO COMPROMISE, SETTLE, OR OTHERWISE RESOLVE SAID CLAIMS OR CAUSE OF ACTION AS THEY SEE FIT.

I UNDERSTAND THAT I REMAIN PERSONALLY RESPONSIBLE FOR THE TOTAL AMOUNTS DUE TO THE FACILITY FOR THEIR SERVICES. I FURTHER UNDERSTAND AND AGREE THAT THIS ASSIGNMENT, LIEN AND AUTHORIZATION DOES NOT CONSTITUTE AND CONDERATION FOR THE FACILITY TO AWAIT PAYMENT AND THEY MAY DEMAND PAYMENTS FROM ME IMMEDIATELY UPON RENDERING SERVICES AT THEIR OPTION. I AUTHORIZE THE FACILITY TO RELEASE ANY INFORMATION PERTINENT TO MY CASE TO ANY INSURANCE COMPANY, ADJUSTER OR ATTORNEY TO ENDORSE/SIGN MY NAME ON ALL CHECKS FOR PAYMENT OF MY MEDICAL BILL.

I FURTHER UNDERSTAND AND AGREE THAT THIS OFFICE MUST TAKE ANY ACTION TO COLLECT AN OUTSTANDING BALANCE ON MY ACCOUNT, I WILL BE RESPONSIBLE FOR PAYMENT OF AND WILL REIMBURSE THIS OFFICE FOR ALL COSTS OF SUCH COLLECTION EFFORTS, INCLUDING BUT NOT LIMITED TO ALL COURT COSTS AND ALL ATTORNEY FEES.

PATIENT

James A. Baez J. A. Baez DATE 7/9/19

WITNESS: \_\_\_\_\_

ATTORNEY SIGNATURE OR STAMP: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
ANJANI SINHA MEDICAL, P.C.

INDEX #: 1:21-cv-00138

Plaintiff,

-against-

EMPIRE HEALTHCHOICE ASSURANCE, INC,  
DBA EMPIRE BLUE CROSS BLUE SHIELD,

Defendant.

---

**AMENDED COMPLAINT**

---

**JONATHAN B. SEPLOWE, ESQ.**  
Attorneys for Plaintiff  
112C Broadway  
Malverne, NY 11565  
(718) 229-6100

---

*Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney duly admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed documents are not frivolous.*

Dated: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Signer's Name: *Jonathan B. Seplowe, Esq.*

---

TO:

TROUTMAN PEPPER HAMILTON SANDERS LLP  
ATTORNEYS FOR DEFENDANT  
875 THIRD AVENUE  
NEW YORK, NEW YORK 10022  
(212) 704-6000